

**BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

<b>In the Matter of the Accusation</b>	)	
<b>Against:</b>	)	<b>Case No. 06-95-49216</b>
	)	
<b>VICTOR J. CORONADO, M.D.</b>	)	<b>OAH No. L1997070592</b>
<b>8728 East 6<sup>th</sup> Street</b>	)	
<b>Downey, CA 90241</b>	)	
	)	
<b>Physician and Surgeon's</b>	)	
<b>License No. A-040213</b>	)	
	)	
<b>Respondent.</b>	)	
_____	)	

**DECISION AFTER NONADOPTION**

This matter was scheduled for hearing from June 14, 1999 through June 25, 1999 at the Office of Administrative Hearings in Los Angeles, California, before Administrative Law Judge H. Stuart Waxman.

Complainant Ron Joseph, was represented by Richard Avila, Deputy Attorney General. Respondent, Victor J. Coronado ("Respondent") was represented by Jerry Kaplan, Attorney at Law.

Prior to the hearing, the parties stipulated to various factual issues and it was agreed that the hearing dates would be vacated and the case would be decided on certain documents and counsels' trial briefs, provided all such documents were filed and served in accordance with a specific schedule. The documents were all timely filed and served. The record was closed on June 1, 1999 and the matter was submitted for decision.

Also pursuant to stipulation by the parties, Complainant withdrew the first, second, third, fourth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth and nineteenth causes of action contained in the Second Supplemental

Accusation. In exchange for those withdrawals, Respondent stipulated that the fifth, sixth, eighteenth, twentieth and twenty-first causes of action would be deemed established by clear and convincing evidence to a reasonable certainty, "except that the eighteenth cause of action will be so established only upon a written decision concluding that the convictions cited therein are substantially related to the qualifications, functions or duties of a physician and surgeon". (Stipulation to Facts and Causes of Action, page 1, lines 22-25.)

The "Withdrawal of Causes of Action", and the appended "Stipulation to Facts and Causes of Action" were collectively marked and admitted as Complainant's Exhibit 1. Complainant's "Submission of Exhibits on Jurisdiction and Costs" was marked as Complainant's Exhibit 2. Exhibit 2 was admitted for jurisdictional purposes only. The Medical Record Review Report of Ralph F. Cox, Jr., M.D., J.D., was marked and admitted as Complainant's Exhibit 3. The Curriculum Vitae of Ralph F. Cox, Jr. M.D., J.D., was marked and admitted as Complainant's Exhibit 4. Two memoranda of costs, respectively dated September 19, 1996 and October 20, 1997, were marked collectively and admitted as Complainant's Exhibit 5. Complainant's "Notice of Affidavit", dated May 10, 1999 was marked and admitted as Complainant's Exhibit 6. The "Declaration of Costs for Richard Avila" was marked and admitted as Complainant's Exhibit 7. Three "Certification(s) of Costs of Investigation and Enforcement Pursuant to Business and Professions Code Section 125.3<sup>1</sup>", for Medical Board of California consolidated Case Numbers 06-1995-49216, 06-1998-85609, and 06-1996-63987 were collectively marked and admitted as Complainant's Exhibit 8. Complainant's "Closing Argument" was marked as Complainant's Exhibit 9.

A letter on the letterhead of American Buddhist Congress, dated April 24, 1999, addressed to "To Whom It May Concern" and signed by Ven. Hawanpola Ratanasara, Ph.D., was marked and admitted as Respondent's Exhibit "A". A letter on the letterhead of Dharma Vijaya Buddhist Vihara, Inc., dated April 21, 1999, addressed to "To Whom It May Concern" and signed by Ven. Walpola Piyananda, was marked and admitted as Respondent's Exhibit "B". A letter dated April 21, 1999, addressed to "To Whom It May Concern" and signed by Stan Levinson, was marked and admitted as Respondent's Exhibit "C". A letter dated April 20, 1999, addressed to "Board of Medical Quality Assurance" and signed by Reverend Fr. Jonathan Atchley, was marked and admitted as Respondent's Exhibit "D". Respondent's "Closing Brief; Character Reference Letters Attached in Support Thereof" was marked as Respondent's Exhibit "E"<sup>2</sup>.

The proposed decision of the administrative law judge was submitted to the Division of Medical Quality, Medical Board of California (hereafter "division") on June 25, 1999. After due consideration thereof, the division declined to adopt the proposed decision and thereafter on August 2, 1999 issued an Order of Nonadoption and subsequently issued an

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<sup>1</sup> All statutory references are to the Business and Professions Code unless otherwise specified.

<sup>2</sup> Exhibits "A" through "D" are the letters referenced in the title of Respondent's closing brief. For clarity of the record, the letters were separately and individually marked and admitted.

Order Fixing Date for Submission of Written Argument and Notice of Time for Oral Argument. Oral argument was heard on November 5, 1999. The time for filing written argument in this matter having expired, written argument having been filed by complainant and such written argument, together with the entire record, including the transcript of said hearing, having been read and considered, pursuant to Government Code section 11517, Panel A of the division hereby makes the following decision and order:

### **FACTUAL FINDINGS**

1. Ron Joseph made the Second Supplemental Accusation in his official capacity as Executive Director of the Medical Board of California ("the Board").

2. Respondent's licensure information was offered as part of Complainant's Exhibit 2 which was admitted for jurisdictional purposes only. However, there being no objection by Respondent, it is deemed undisputed that, on July 25, 1983, the Board issued Physician and Surgeon Certificate No. A 40213 to Respondent, that the license was in full force and effect at all relevant times, and that it was scheduled to expire on December 31, 1998 unless renewed. Respondent was also a supervisor of a physician assistant, holding physician assistant supervisor license No. SA16666. That license was to have expired on December 31, 1998. No evidence was offered to show that Respondent's physician and surgeon's certificate or his physician assistant license is presently in full force and effect. However, if one or both are not, the Board maintains jurisdiction over this matter pursuant to Business and Professions Code section 118(b).

3. As stated above, the parties stipulated that the fifth cause of action, for aiding and abetting unlicensed practice, is deemed established by clear and convincing evidence to a reasonable certainty. That cause of action incorporates by reference Paragraph 4 of the Second Supplemental Accusation, which states:

"Respondent's license is subject to disciplinary action under section 2234, subdivision (b) of the Code [Gross Negligence], in connection with sections 2238, 2242, subdivision (a), 4211 and 2266 of the Code, in that he caused to be administered to M.V. a dangerous drug without a good faith prior examination and medical indication therefor. The circumstances are as follows:

"A. On or about May 31, 1994, M.V. visited respondent's medical clinic where she was attended by respondent's medical assistant, Gloria G. Giron.

"B. Giron took M.V.'s medical history and vital signs.

"C. M.V. told Giron that the thumb, index and middle fingers of her right hand felt numb.

"D. Respondent did not conduct a physical examination of M.V.'s right hand.

"E. Respondent ordered that M.V. be given an injection of Calcium Chloride, a dangerous drug, to address M.V.'s complaint of numbness in her right hand.

"F. Giron attempted to administer the Calcium Chloride intravenously and punctured M.V.'s right arm with a hypodermic needle, injecting Calcium Chloride into M.V.'s subcutaneous tissue, but was unable to achieve intravenous transmission thereof.

"G. Immediately following the injection, M.V. complained to Giron about a painful burning sensation on the skin at the site of the injection.

"H. The injection of Calcium Chloride into a human being's subcutaneous tissue, without first assuring venous access, is not within the standard of practice.

"I. The use of Calcium Chloride to treat numbness or cramps in the hands is not within the standard of practice.

"J. As a result of the Calcium Chloride injection, a painful ulcer formed around the injection site at M.V.'s right forearm, requiring additional medical treatment.

"K. The ulcer on M.V.'s right forearm caused by the injection eventually became a 4 x 4 cm. scar.

"L. Respondent's medical records for M.V. fail to document the administration of tests to identify the cause(s) for her right hand numbness, the making of a provisional diagnosis, the selection of a plan of treatment involving Calcium Chloride, or the transmission of a patient specific order from respondent to Giron for the purpose of having M.V. injected with Calcium Chloride."

4. The charging allegations in the fifth cause of action, which are deemed established by clear and convincing evidence to a reasonable certainty, read:

"A. M.V. was not seen or examined by respondent on the day she was injected with Calcium Chloride by Giron, which was on or about May 31, 1994.

"B. On or about May 31, 1994, at respondent's clinic, Giron examined M.V., determined that the cause of her right hand numbness was poor circulation, selected an

injection of Calcium Chloride as the mode of treating M.V.'s right hand numbness, and injected Calcium Chloride into the subcutaneous tissue of M.V.'s right forearm."

5. The sixth cause of action is also for aiding and abetting unlicensed practice. It too is deemed established by clear and convincing evidence to a reasonable certainty, by virtue of the parties' stipulation. That cause of action reads:

"Respondent's license is subject to disciplinary action pursuant to sections 2234, subdivision (a) and 2264 of the Code, in connection with sections 2238, 2242, subdivision (a) and 4211 of the Code, as well as section 11153, subdivision (a) of the Health and Safety Code, in that respondent aided and abetted the unlicensed practice of medicine. The circumstances are as follows:

"A. On or about July 12, 1995, patient P.L. (aka Attorney General Medi-Cal Fraud Investigator M. Teresa Franco) went to respondent's clinic in Lynwood.

"B. While there, P.L. complained of pain above and below her eyes.

"C. Respondent's employee, Martin Gaxiola, attended P.L. in one of the clinic's examination rooms.

"D. P.L. addressed Gaxiola as 'doctor' and the latter did not correct her.

"E. Gaxiola took P.L.'s medical history and then performed a physical examination of P.L.'s eyes, ears, throat, chest and back.

"F. Gaxiola noted the results of the physical examination of P.L. on a chart with P.L.'s name written on it.

"G. Gaxiola informed P.L. that she had an allergy or sinus problem.

"H. Gaxiola gave P.L. a container filled with twenty (20) pills of Fiorinal.

"I. Gaxiola was not licensed to practice medicine in California at the time that he examined, diagnosed and prescribed medication for P.L. at respondent's clinic in Lynwood."

6. The eighteenth cause of action is for conviction of the crime of lewd and lascivious acts against a minor. Pursuant to the parties' stipulation, that cause of action is deemed established by clear and convincing evidence to a reasonable certainty except with respect to whether the convictions are substantially related to the qualifications, functions or duties of a physician and surgeon. The pertinent facts are as follows:

7. On or about April 29, 1998, in Superior Court of California, County of Los Angeles, in Case No. VA04450, Respondent was convicted, on his plea of nolo contendere, of violation of two (2) counts of Penal Code section 288(c)(1) (Lewd and Lascivious Acts Against a Child of 14 or 15 Years).

8. Respondent's sentence was suspended and he was placed on formal probation for a period of five (5) years on various terms and conditions including registering as a sex offender, submitting to H.I.V. testing and paying fines and restitution totaling ten thousand, two hundred dollars (\$10,200). The evidence did not disclose whether Respondent is presently in compliance with his probationary terms.

9. The facts and circumstances underlying the conviction are that Respondent engaged in sexual relationship with a 14-year-old female.

10. In their closing briefs, counsel for both parties requested the Board to assume the victim was not Respondent's patient.

11. The evidence established that the conviction was for a felony. The evidence did not establish that Respondent's medical practice included the care and treatment of minors. The panel found Respondent's arguments that he was unaware of the victim's true age to be neither credible nor persuasive.

12. The twentieth cause of action is for conviction of the crime of Medi-Cal Fraud. As stated above, the parties stipulated that the cause of action is established by clear and convincing evidence to a reasonable certainty. The pertinent facts are as follows:

13. On July 24, 1998, in Superior Court of California, County of Los Angeles, in Case No. BA109570, Respondent was convicted on his plea of nolo contendere, of violation of Welfare and Institutions Code section 14107 (Medi-Cal Fraud), a crime substantially related to the qualifications, functions and duties of a physician and surgeon.

14. Respondent's sentence was suspended and he was placed on formal probation for a period of five (5) years on various terms and conditions including payment of fines and restitution totaling fifteen thousand, four hundred dollars (\$15,400).

15. The evidence did not reveal whether Respondent is presently in compliance with the probationary terms. It also failed to reveal the facts and circumstances underlying the conviction, or whether there are any mitigating circumstances or rehabilitation to be considered.

16. The twenty-first cause of action, for making false statements, is also deemed established by clear and convincing evidence to a reasonable certainty by virtue of the parties' stipulation. That cause of action relates to the false statements Respondent made in

obtaining compensation from the Medi-Cal program. It was those statements which led to the conviction referred to in paragraphs 13, 14 and 15, above.

17. The Board incurred costs, including attorney fees, in the total sum of \$36,876.55 in connection with the investigation and enforcement of this action. For the reasons set forth below, those costs are partially allowed.

18. Respondent's over-all conduct is such that no amount of monitoring would suffice to protect the public or to ensure respondent's compliance with the law.

### **CONCLUSIONS OF LAW**

#### **As to the Fifth and Sixth Causes of Action**

1. Cause exists to revoke or suspend Respondent's certificate and Physician Assistant Supervisor's approval, pursuant to Business and Professions Code sections 2234(a) and 2264, in connection with sections 2238, 2242(a), 2266 and 4211, for aiding and abetting unlicensed practice, as set forth in Findings 3, 4 and 5.

No evidence was offered by Respondent to support the imposition of a degree of discipline less than the maximum recommended by the Board.

#### **As to the Eighteenth Cause of Action**

2. Cause exists to revoke or suspend Respondent's certificate and Physician Assistant Supervisor's approval, pursuant to Business and Professions Code sections 2234(a)(e) and 2236(a)(d), for convictions of the crime of lewd and lascivious acts against a minor, as set forth in Findings 6, 7, 8, 9, 10 and 11. The Panel finds that those crimes are substantially related to the qualifications, functions or duties of a physician.

Business and Professions Code section 2236.1(c) provides that "a conviction of Section . . . 288 of the Penal Code [] shall be conclusively presumed to be substantially related to the qualifications, functions, or duties of a physician and surgeon and no hearing shall be held on this issue." (Emphasis added). This conclusive presumption applies regardless of whether the physician is incarcerated for the crime. Therefore, the Panel finds that Respondent's convictions on two counts of violating Penal Code section 288 are substantially related to the qualifications, functions, or duties of a physician.

### **As to the Twentieth Cause of Action**

3. Cause exists to revoke or suspend Respondent's certificate and Physician Assistant Supervisor's approval, pursuant to Business and Professions Code sections 2234(a)(e) and 2236(a)(d), for conviction of the crime of Medi-Cal Fraud, as set forth in Findings 12, 13, 14 and 15.

Medi-Cal fraud by a physician is substantially related to his/her qualifications, functions and/or duties.

Although the Administrative Law Judge may consider factors in mitigation and rehabilitation to determine the degree of discipline indicated for conviction of a crime, Respondent offered no evidence of either. He did offer four (4) letters as character references. Each of the letters' authors speaks very highly of Respondent's kindness, generosity and compassion. However, none of them indicated an awareness of either of Respondent's criminal convictions<sup>3</sup> or his reputation for honesty. Accordingly, the letters are given limited weight.

Absent any evidence of mitigation, rehabilitation or remorse, the Administrative Law Judge is left with only the fact of the conviction. Respondent bore the burden of producing such evidence if he wished to argue for a reduction of the maximum discipline recommended by the Board. He failed to do so. Further, his plea of nolo contendere serves as an admission of every element of the crime.

"Regardless of the various motives which may have impelled the plea, the conviction which was based thereon stands as conclusive evidence of appellant's guilt of the offense charged."  
(Arneson v. Fox (1980) 38 Cal.3d 440, 449.)

### **As to the Twenty-First Cause of Action**

4. Cause exists to revoke or suspend Respondent's certificate and Physician Assistant Supervisor's approval, pursuant to Business and Professions Code sections 2261, for making false statements, as set forth in Finding 16.

As was the case in connection with the twentieth cause of action, Respondent offered no evidence to establish the propriety of a degree of discipline less than the maximum recommended by the Board.

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<sup>3</sup> One of the authors mentioned being aware of some of Respondent's "personal struggles". However, the Administrative Law Judge cannot determine from the context of that letter whether the author was referring to Respondent's criminal conduct.

### **As to the Prayer for Costs**

5. Cause exists to order Respondent to pay the costs claimed under Business and Professions Code section 125.3, as set forth in Finding 17.

Section 125.3(c) states in relevant part:

“A certified copy of the actual costs, or a good faith estimate of costs where actual costs are not available, signed by the entity bringing the proceeding or its designated representative shall be prima facie evidence of reasonable costs of investigation and prosecution of the case.”

Complainant's Exhibits 7 and 8 raise a rebuttable presumption of the reasonableness of the costs referenced therein. Respondent offered no evidence to rebut that presumption.

However, Complainant withdrew sixteen (16) of the twenty-one (21) causes of action in the Second Supplemental Accusation, and did not prevail on one of the remaining five (5) causes of action. The administrative law judge found that complainant is therefore limited to recovering costs on only the four (4) causes of action on which he prevailed. While the Panel disagrees with this conclusion, it believes itself to be bound by the findings of the administrative law judge.

In his Declaration, Deputy Attorney General Richard Avila, indicates that he has been the handling attorney for the three consolidated cases which comprise the instant action (06-95-49216, 06-1996-63987 and 06-1998-85609). He breaks down his fees according to fiscal year and according to a generalized list of tasks. However, it is unclear from his Declaration how much of his time was devoted to each cause of action.

Complainant's Exhibit 8 is comprised of a Certification of Costs of Investigation and Enforcement for each of the three consolidated cases. However, the evidence failed to disclose which cause(s) of action arose out of each case.

Absent any evidence of the amount of costs incurred in connection with each cause of action on which Complainant prevailed, the Administrative Law Judge cannot determine whether one cause of action required more time to investigate, research, prepare for trial, etc. than another. Therefore, Complainant's cost recovery is based on a mathematical average of costs per cause of action.

Complainant prevailed on four (4) of the twenty-one (21) causes of action, or approximately nineteen percent (19%). Complainant's costs totaled thirty-six thousand, eight hundred seventy-six dollars and fifty-five cents (\$36,876.55). Complainant may recover

nineteen percent (19%) of that sum, a total of seven thousand, six dollars and fifty-four cents (\$7006.54).

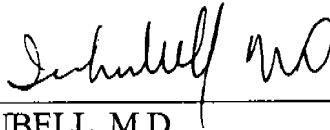
**ORDER**

**WHEREFORE, THE FOLLOWING ORDER is hereby made:**

Certificate No. A 040213 issued to Respondent, Victor J. Coronado, is revoked.

This decision shall become effective at 5:00 p.m. on January 3, 2000.

IT IS SO ORDERED this 2nd day of December, 1999.



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IRA LUBELL, M.D.  
Chairperson, Panel A  
Division of Medical Quality  
Medical Board of California

**BEFORE THE  
DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against: )

**VICTOR J. CORONADO, M.D.** )

Physician's & Surgeon's )

Certificate No.: A-040213 )

Respondent )

Case No.: 06-1995-49216

OAH No.: L1997070592

**NOTICE OF NON-ADOPTION  
OF PROPOSED DECISION**

The Proposed Decision of the Administrative Law Judge in the above-entitled matter has been **non-adopted**. The Medical Board of California, Division of Medical Quality, will decide the case upon the record, including the transcript and exhibits of the hearing, and upon such written argument as the parties may wish to submit, including in particular, argument directed to the question of whether the proposed penalty should be modified. The parties will be notified of the date for submission of such argument when the transcript of the above-mentioned hearing becomes available.

To order a copy of the transcript, please contact the Transcript Clerk, Office of Administrative Hearings, 320 West Fourth Street, 6th Floor, Room 2109, Los Angeles, California 90013, (213) 576-7200.

In addition to written argument, oral argument will be scheduled if any party files with the Division within 20 days from the date of this notice a written request for oral argument. If a timely request is filed, the Division will serve all parties with written notice of the time, date and place for oral argument. Oral argument shall be directed only to the question of whether the proposed penalty should be modified. Please do not attach to your written argument any documents that are not part of the record as they cannot be considered by the Panel.

Please remember to serve the opposing party with a copy of your written argument and any other papers you might file with the Division. The mailing address of the Division is as follows:

Division of Medical Quality  
MEDICAL BOARD OF CALIFORNIA  
1426 Howe Avenue  
Sacramento, CA 95825-3236  
(916) 263-2458

Dated: August 2, 1999

  
Enforcement Legal Unit

**BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

<b>In the Matter of the Accusation</b>	)	
<b>Against:</b>	)	<b>Case No. 06-95-49216</b>
	)	
<b>VICTOR J. CORONADO, M.D.</b>	)	<b>OAH No. L1997070592</b>
<b>8728 East 6<sup>th</sup> Street</b>	)	
<b>Downey, CA 90241</b>	)	
	)	
<b>Physician and Surgeon's</b>	)	
<b>License No. A-040213</b>	)	
	)	
<b>Respondent.</b>	)	
_____	)	

**PROPOSED DECISION**

This matter was scheduled for hearing from June 14, 1999 through June 25, 1999 at the Office of Administrative Hearings in Los Angeles, California, before Administrative Law Judge H. Stuart Waxman.

Complainant Ron Joseph, was represented by Richard Avila, Deputy Attorney General. Respondent, Victor J. Coronado ("Respondent") was represented by Jerry Kaplan, Attorney at Law.

Prior to the hearing, the parties stipulated to various factual issues and it was agreed that the hearing dates would be vacated and the case would be decided on certain documents and counsels' trial briefs, provided all such documents were filed and served in accordance with a specific schedule. The documents were all timely filed and served. The record was closed on June 1, 1999 and the matter was submitted for decision.

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Also pursuant to stipulation by the parties, Complainant withdrew the first, second, third, fourth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth and nineteenth causes of action contained in the Second Supplemental Accusation. In exchange for those withdrawals, Respondent stipulated that the fifth, sixth, eighteenth, twentieth and twenty-first causes of action would be deemed established by clear and convincing evidence to a reasonable certainty, "except that the eighteenth cause of action will be so established only upon a written decision concluding that the convictions cited therein are substantially related to the qualifications, functions or duties of a physician and surgeon". (Stipulation to Facts and Causes of Action, page 1, lines 22-25.)

The "Withdrawal of Causes of Action", and the appended "Stipulation to Facts and Causes of Action" were collectively marked and admitted as Complainant's Exhibit 1. Complainant's "Submission of Exhibits on Jurisdiction and Costs" was marked as Complainant's Exhibit 2. Exhibit 2 was admitted for jurisdictional purposes only. The Medical Record Review Report of Ralph F. Cox, Jr., M.D., J.D., was marked and admitted as Complainant's Exhibit 3. The Curriculum Vitae of Ralph F. Cox, Jr. M.D., J.D., was marked and admitted as Complainant's Exhibit 4. Two memoranda of costs, respectively dated September 19, 1996 and October 20, 1997, were marked collectively and admitted as Complainant's Exhibit 5. Complainant's "Notice of Affidavit", dated May 10, 1999 was marked and admitted as Complainant's Exhibit 6. The "Declaration of Costs for Richard Avila" was marked and admitted as Complainant's Exhibit 7. Three "Certification(s) of Costs of Investigation and Enforcement Pursuant to Business and Professions Code Section 125.3<sup>1</sup>", for Medical Board of California consolidated Case Numbers 06-1995-49216, 06-1998-85609, and 06-1996-63987 were collectively marked and admitted as Complainant's Exhibit 8. Complainant's "Closing Argument" was marked as Complainant's Exhibit 9.

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<sup>1</sup> All statutory references are to the Business and Professions Code unless otherwise specified.

<sup>2</sup> Exhibits "A" through "D" are the letters referenced in the title of Respondent's closing brief. For clarity of the record, the letters were separately and individually marked and admitted.

## **FACTUAL FINDINGS**

The Administrative Law Judge makes the following Factual Findings:

1. Ron Joseph made the Second Supplemental Accusation in his official capacity as Executive Director of the Medical Board of California ("the Board").

2. Respondent's licensure information was offered as part of Complainant's Exhibit 2 which was admitted for jurisdictional purposes only. However, there being no objection by Respondent, it is deemed undisputed that, on July 25, 1983, the Board issued Physician and Surgeon Certificate No. A 40213 to Respondent, that the license was in full force and effect at all relevant times, and that it was scheduled to expire on December 31, 1998 unless renewed. Respondent was also a supervisor of a physician assistant, holding physician assistant supervisor license No. SA16666. That license was to have expired on December 31, 1998. No evidence was offered to show that Respondent's physician and surgeon's certificate or his physician assistant license is presently in full force and effect. However, if one or both are not, the Board maintains jurisdiction over this matter pursuant to Business and Professions Code section 118(b).

3. As stated above, the parties stipulated that the fifth cause of action, for aiding and abetting unlicensed practice, is deemed established by clear and convincing evidence to a reasonable certainty. That cause of action incorporates by reference Paragraph 4 of the Second Supplemental Accusation, which states:

"Respondent's license is subject to disciplinary action under section 2234, subdivision (b) of the Code [Gross Negligence], in connection with sections 2238, 2242, subdivision (a), 4211 and 2266 of the Code, in that he caused to be administered to M.V. a dangerous drug without a good faith prior examination and medical indication therefor. The circumstances are as follows:

"A. On or about May 31, 1994, M.V. visited respondent's medical clinic where she was attended by respondent's medical assistant, Gloria G. Giron.

"B. Giron took M.V.'s medical history and vital signs.

"C. M.V. told Giron that the thumb, index and middle fingers of her right hand felt numb.

"D. Respondent did not conduct a physical examination of M.V.'s right hand.

"E. Respondent ordered that M.V. be given an injection of Calcium Chloride, a dangerous drug, to address M.V.'s complaint of numbness in her right hand.

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"F. Giron attempted to administer the Calcium Chloride intravenously and punctured M.V.'s right arm with a hypodermic needle, injecting Calcium Chloride into M.V.'s subcutaneous tissue, but was unable to achieve intravenous transmission thereof.

"G. Immediately following the injection, M.V. complained to Giron about a painful burning sensation on the skin at the site of the injection.

"H. The injection of Calcium Chloride into a human being's subcutaneous tissue, without first assuring venous access, is not within the standard of practice.

"I. The use of Calcium Chloride to treat numbness or cramps in the hands is not within the standard of practice.

"J. As a result of the Calcium Chloride injection, a painful ulcer formed around the injection site at M.V.'s right forearm, requiring additional medical treatment.

"K. The ulcer on M.V.'s right forearm caused by the injection eventually became a 4 x 4 cm. scar.

"L. Respondent's medical records for M.V. fail to document the administration of tests to identify the cause(s) for her right hand numbness, the making of a provisional diagnosis, the selection of a plan of treatment involving Calcium Chloride, or the transmission of a patient specific order from respondent to Giron for the purpose of having M.V. injected with Calcium Chloride."

4. The charging allegations in the fifth cause of action, which are deemed established by clear and convincing evidence to a reasonable certainty, read:

"A. M.V. was not seen or examined by respondent on the day she was injected with Calcium Chloride by Giron, which was on or about May 31, 1994.

"B. On or about May 31, 1994, at respondent's clinic, Giron examined M.V., determined that the cause of her right hand numbness was poor circulation, selected an injection of Calcium Chloride as the mode of treating M.V.'s right hand numbness, and injected Calcium Chloride into the subcutaneous tissue of M.V.'s right forearm."

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5. The sixth cause of action is also for aiding and abetting unlicensed practice. It too is deemed established by clear and convincing evidence to a reasonable certainty, by virtue of the parties' stipulation. That cause of action reads:

"Respondent's license is subject to disciplinary action pursuant to sections 2234, subdivision (a) and 2264 of the Code, in connection with sections 2238, 2242, subdivision (a) and 4211 of the Code, as well as section 11153, subdivision (a) of the Health and Safety Code, in that respondent aided and abetted the unlicensed practice of medicine. The circumstances are as follows:

"A. On or about July 12, 1995, patient P.L. (aka Attorney General Medi-Cal Fraud Investigator M. Teresa Franco) went to respondent's clinic in Lynwood.

"B. While there, P.L. complained of pain above and below her eyes.

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"D. P.L. addressed Gaxiola as 'doctor' and the latter did not correct her.

"E. Gaxiola took P.L.'s medical history and then performed a physical examination of P.L.'s eyes, ears, throat, chest and back.

"F. Gaxiola noted the results of the physical examination of P.L. on a chart with P.L.'s name written on it.

"G. Gaxiola informed P.L. that she had an allergy or sinus problem.

"H. Gaxiola gave P.L. a container filled with twenty (20) pills of Fiorinal.

"I. Gaxiola was not licensed to practice medicine in California at the time that he examined, diagnosed and prescribed medication for P.L. at respondent's clinic in Lynwood."

6. The eighteenth cause of action is for conviction of the crime of lewd and lascivious acts against a minor. Pursuant to the parties' stipulation, that cause of action is deemed established by clear and convincing evidence to a reasonable certainty except with respect to whether the convictions are substantially related to the qualifications, functions or duties of a physician and surgeon. The pertinent facts are as follows:

7. On or about April 29, 1998, in Superior Court of California, County of Los Angeles, in Case No. VA04450, Respondent was convicted, on his plea of nolo contendere, of violation of two (2) counts of Penal Code section 288(c)(1) (Lewd and Lascivious Acts Against a Child of 14 or 15 Years).

8. Respondent's sentence was suspended and he was placed on formal probation for a period of five (5) years on various terms and conditions including registering as a sex offender, submitting to H.I.V. testing and paying fines and restitution totaling ten thousand, two hundred dollars (\$10,200). The evidence did not disclose whether Respondent is presently in compliance with his probationary terms.

9. The facts and circumstances underlying the conviction are that Respondent engaged in a sexual relationship with a 14-year-old female. However, he was unaware, at the time of that relationship, that she was not beyond the legal age of 18. Respondent met the victim at her place of employment. Her employer required all employees to be at least 18 years of age. The victim was living in an apartment in the absence of her parents, and she associated with individuals who were older than she.

10. In their closing briefs, counsel for both parties requested the Board to assume the victim was not Respondent's patient.

11. The evidence did not establish whether the conviction was for a misdemeanor or a felony. (Penal Code section 288(c)(1) may be prosecuted as either.) The evidence also did not establish that Respondent's medical practice included the care and treatment of minors. Nor did the evidence establish whether Respondent would have altered his conduct had he known the victim was under 18 years of age.

12. The twentieth cause of action is for conviction of the crime of Medi-Cal Fraud. As stated above, the parties stipulated that the cause of action is established by clear and convincing evidence to a reasonable certainty. The pertinent facts are as follows:

13. On July 24, 1998, in Superior Court of California, County of Los Angeles, in Case No. BA109570, Respondent was convicted on his plea of nolo contendere, of violation of Welfare and Institutions Code section 14107 (Medi-Cal Fraud), a crime substantially related to the qualifications, functions and duties of a physician and surgeon.

14. Respondent's sentence was suspended and he was placed on formal probation for a period of five (5) years on various terms and conditions including payment of fines and restitution totaling fifteen thousand, four hundred dollars (\$15,400).

15. The evidence did not reveal whether Respondent is presently in compliance with the probationary terms. It also failed to reveal the facts and circumstances underlying the conviction, or whether there are any mitigating circumstances or rehabilitation for the Administrative Law Judge to consider.

16. The twenty-first cause of action, for making false statements, is also deemed established by clear and convincing evidence to a reasonable certainty by virtue of the parties' stipulation. That cause of action relates to the false statements Respondent made in obtaining compensation from the Medi-Cal program. It was those statements which led to the conviction referred to in paragraphs 13, 14 and 15, above.

17. The Board incurred costs, including attorney fees, in the total sum of \$36,876.55 in connection with the investigation and enforcement of this action. For the reasons set forth below, those costs are partially allowed.

## **LEGAL CONCLUSIONS**

Pursuant to the foregoing Factual Findings, the Administrative Law Judge makes the following legal conclusions:

### **As to the Fifth and Sixth Causes of Action**

1. Cause exists to revoke or suspend Respondent's certificate and Physician Assistant Supervisor's license, pursuant to Business and Professions Code sections 2234(a) and 2264, in connection with sections 2238, 2242(a), 2266 and 4211, for aiding and abetting unlicensed practice, as set forth in Findings 3, 4 and 5.

No evidence was offered by Respondent to support the imposition of a degree of discipline less than the maximum recommended by the Board.

### **As to the Eighteenth Cause of Action**

2. Cause does not exist to revoke or suspend Respondent's certificate or Physician Assistant Supervisor's license, pursuant to Business and Professions Code sections 2234(a)(e) and 2236(a)(d), for conviction of the crime of lewd and lascivious acts against a minor, as set forth in Findings 6, 7, 8, 9, 10 and 11.

Substantial relationship to the qualifications, functions or duties of a physician and surgeon is defined in Title 16, California Code of Regulations, section 1360, which states:

"For the purposes of denial, suspension or revocation of a license, certificate or permit pursuant to Division 1.5 (commencing with Section 475) of the code, a crime or act shall be considered to be substantially related to the qualifications, functions or duties of a person holding a license, certificate or permit under the Medical Practice Act if to a substantial degree it evidences present or potential unfitness of a person holding a license, certificate or permit to perform the functions authorized by the license, certificate or permit in a manner consistent with the public health, safety or welfare. Such crimes or acts shall include but not be limited to the following: Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provision of the Medical Practice Act."

The burden of proof was on Complainant to establish Respondent's present or potential unfitness to perform his professional functions. While Complainant compellingly argued that a physician convicted of the crime of lewd and lascivious conduct against a child 14 or 15 years of age cannot be trusted in "the sanctity of the examination room" due to a "concern involving a specific psychological propensity or motivation to sexually exploit underaged (sic) girls" (Exhibit 9, page 4, line 25 through page 5, line 1), he failed to address the facts pertinent to the conviction.

The record of a conviction serves as conclusive proof only of the fact that the conviction occurred. [Section 2236(a).] Inquiry may be made into the circumstances surrounding the commission of the crime in order to determine both the degree of discipline warranted and to determine "if the conviction is of an offense substantially related to the qualifications, functions, or duties of a physician and surgeon." [Section 2236(c).] In this case, it is not the crime itself which is determinative. As Respondent correctly points out, Penal Code section 288 is a "strict liability" statute. It is the act(s) leading to the conviction which either are or are not substantially related to the qualifications, functions or duties of a physician and surgeon.

Gromis v. Medical Board of California (1992) 8 Cal.App.4<sup>th</sup> 589, is instructive on this issue. Dr. Gromis was a married physician who practiced family and internal medicine. During an office visit, one of his patients informed him she was distressed over her marital problems. Dr. Gromis and his patient began meeting for lunch and, on one such occasion, the patient asked Dr. Gromis if she should see another doctor for her emotional problems. Dr. Gromis told her not to do so. Dr. Gromis and his patient eventually developed a sexual relationship. During that relationship, the patient asked Dr. Gromis if she should see another physician. He told her it was not necessary but that, while he could treat her for anything above the waist, she should see another physician for anything below the waist. Their sexual relationship lasted approximately one (1) month. Their social relationship terminated approximately one (1) month thereafter.

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The Court recognized but declined to follow the holding in Atienza v. Taub (1987) 194 Cal.App.3d 388<sup>3</sup>. The Atienza court ruled that a physician is professionally negligent in engaging in sexual contact with a patient only if he/she does so on the pretext that the sexual contact was necessarily part of the treatment for which the patient was seeing the physician. The Gromis court stated:

“Because situations can be contemplated where the physician’s professional duties will affect or be affected by a sexual relationship with the patient, we decline to hold as a matter of law that only sexual conduct under guise of treatment can serve as grounds for discipline. Rather, the question must be decided on a case-by-case basis: whether under the circumstances the sexual conduct bears some relationship to the physician’s qualifications, functions or duties.

\* \* \*

“[T]he question before us is not whether plaintiff’s conduct was morally reprehensible but whether his conduct was substantially related to his qualifications or fitness to practice medicine. That question is one of law for this court’s independent determination. (Citations.)”  
(Id. at 597-598.)

The Court went on to hold that, under the circumstances of that case, there was no substantial relationship between Dr. Gromis’s sexual relationship with his patient and the qualifications, functions or duties of a physician. The Court stated:

“Although Ms. M suffered additional stress and anxiety and her marital problems worsened as a result of her extramarital affair with Dr. Gromis, there is no finding or evidence that it was plaintiff’s status as her doctor that led to this injury. As in Atienza, Ms. M. suffered harm because ‘she had an unhappy affair with a man who happened to be her doctor.’”

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<sup>3</sup> Atienza was a professional liability case rather than an administrative disciplinary action.

There is even less of a relationship in the instant case between Respondent's conduct and his fitness to practice medicine than there was in Gromis, supra. In the instant case, the Board is asked by both counsel to assume the victim was not Respondent's patient. Respondent became acquainted with the victim at a location away from his office and presumably, out of a medical context. Respondent developed and held a good faith belief the victim was over the age of 18. Complainant offered no evidence to show that Respondent had a sexual penchant for underage girls, that Respondent would have made the same choices had he known the victim's true age, or that Respondent now poses a threat to other girls under the age of 18, be they patients or not. Absent such a showing, Respondent failed to sustain his burden of proof.

### **As to the Twentieth Cause of Action**

3. Cause exists to revoke or suspend Respondent's certificate and Physician Assistant Supervisor's license, pursuant to Business and Professions Code sections 2234(a)(e) and 2236(a)(d), for conviction of the crime of Medi-Cal Fraud, as set forth in Findings 12, 13, 14 and 15.

This conviction is quite different from the one referenced in the eighteenth cause of action. Medi-Cal fraud by a physician could not be more substantially related to his/her qualifications, functions and/or duties.

Although the Administrative Law Judge may consider factors in mitigation and rehabilitation to determine the degree of discipline indicated for conviction of a crime, Respondent offered no evidence of either. He did offer four (4) letters as character references. Each of the letters' authors speak very highly of Respondent's kindness, generosity and compassion. However, none of them indicated an awareness of either of Respondent's criminal convictions<sup>4</sup> or his reputation for honesty. Accordingly, the letters are given limited weight.

Absent any evidence of mitigation, rehabilitation or remorse, the Administrative Law Judge is left with only the fact of the conviction. Respondent bore the burden of producing such evidence if he wished to argue for a reduction of the maximum discipline recommended by the Board. He failed to do so. Further, his plea of nolo contendere serves as an admission of every element of the crime.

"Regardless of the various motives which may have impelled the plea, the conviction which was based thereon stands as conclusive evidence of appellant's guilt of the offense charged."  
(Arneson v. Fox (1980) 38 Cal.3d 440, 449.)

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<sup>4</sup> One of the authors mentioned being aware of some of Respondent's "personal struggles". However, the Administrative Law Judge cannot determine from the context of that letter whether the author was referring to Respondent's criminal conduct.

#### **As to the Twenty-First Cause of Action**

4. Cause exists to revoke or suspend Respondent's certificate and Physician Assistant Supervisor's license, pursuant to Business and Professions Code sections 2261, for making false statements, as set forth in Finding 16.

As was the case in connection with the twentieth cause of action, Respondent offered no evidence to establish the propriety of a degree of discipline less than the maximum recommended by the Board.

#### **As to the Prayer for Costs**

5. Cause exists to order Respondent to pay the costs claimed under Business and Professions Code section 125.3, as set forth in Finding 17.

Section 125.3(c) states in relevant part:

"A certified copy of the actual costs, or a good faith estimate of costs where actual costs are not available, signed by the entity bringing the proceeding or its designated representative shall be prima facie evidence of reasonable costs of investigation and prosecution of the case."

Complainant's Exhibits 7 and 8 raise a rebuttable presumption of the reasonableness of the costs referenced therein. Respondent offered no evidence to rebut that presumption.

However, Complainant withdrew sixteen (16) of the twenty-one (21) causes of action in the Second Supplemental Accusation, and did not prevail on one of the remaining five (5) causes of action. He is therefore limited to recovering costs on only the four (4) causes of action on which he prevailed.

In his Declaration, Deputy Attorney General Richard Avila, indicates that he has been the handling attorney for the three consolidated cases which comprise the instant action (06-95-49216, 06-1996-63987 and 06-1998-85609). He breaks down his fees according to fiscal year and according to a generalized list of tasks. However, it is unclear from his Declaration how much of his time was devoted to each cause of action.

Complainant's Exhibit 8 is comprised of a Certification of Costs of Investigation and Enforcement for each of the three consolidated cases. However, the evidence failed to disclose which cause(s) of action arose out of each case.

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Absent any evidence of the amount of costs incurred in connection with each cause of action on which Complainant prevailed, the Administrative Law Judge cannot determine whether one cause of action required more time to investigate, research, prepare for trial, etc. than another. Therefore, Complainant's cost recovery is based on a mathematical average of costs per cause of action.

Complainant prevailed on four (4) of the twenty-one (21) causes of action, or approximately nineteen percent (19%). Complainant's costs totaled thirty-six thousand, eight hundred seventy-six dollars and fifty-five cents (\$36,876.55). Complainant may recover nineteen percent (19%) of that sum, a total of seven thousand, six dollars and fifty-four cents (\$7006.54).

In his brief, Complainant made certain recommendations for discipline and described his reasons for those recommendations. Respondent did not address the issue of the disciplinary order in his brief. The Administrative Law Judge considered and gave substantial weight and deference to Complainant's recommendations in fashioning the disciplinary order set forth below.

## **ORDER**

**WHEREFORE, THE FOLLOWING ORDER is hereby made:**

1. Certificate No. A 040213 issued to Respondent, Victor J. Coronado, is revoked. However, the revocation is stayed and Respondent is placed on probation for eight (8) years upon the following terms and conditions. Within 15 days after the effective date of this decision, Respondent shall provide the Division, or its designee, proof of service that Respondent has served a true copy of this decision on the Chief of Staff or the Chief Executive Officer at every hospital where privileges or membership are extended to Respondent or where Respondent is employed to practice medicine, and on the Chief Executive Officer at every insurance carrier where malpractice insurance coverage is extended to Respondent.

2. Physician Assistant Supervisor License No. SA16666 issued to Respondent, Victor J. Coronado, is revoked.

3. Within thirty (30) days of the effective date of this decision, Respondent shall submit to the Division or its designee for its prior approval a plan of practice in which Respondent's practice shall be monitored by another physician in Respondent's field of practice, who shall provide periodic reports to the Division or its designee.

If the monitor resigns or is no longer available, Respondent shall, within fifteen (15) days, move to have a new monitor appointed, through nomination by Respondent and approval by the Division or its designee.

4. Within sixty (60) days of the effective date of this decision, Respondent shall enroll in a course in Ethics approved in advance by the Division or its designee, and shall successfully complete the course during the first year of probation. Respondent shall pay the costs of the ethics course.

5. Respondent shall take and pass an oral clinical examination in a subject to be designated and administered by the Division, or its designee. This examination shall be taken within ninety (90) days after the effective date of this decision. If Respondent fails the first examination, Respondent shall be allowed to take and pass a second examination, which may consist of a written as well as an oral examination. The waiting period between the first and second examinations shall be at least three (3) months. If Respondent fails to pass the first and second examinations, Respondent may take a third and final examination after waiting a period of one (1) year. Failure to pass the oral clinical examination within eighteen (18) months after the effective date of this decision shall constitute a violation of probation. Respondent shall pay the costs of all examinations.

If Respondent fails to pass the first and second examinations, Respondent shall be suspended from the practice of medicine until a repeat examination has been successfully passed, as evidenced by written notice to Respondent from the Division or its designee.

6. Respondent shall obey all federal, state and local laws, all rules governing the practice of medicine in California, and remain in full compliance with any court ordered criminal probation, payments and other orders.

7. Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Division, stating whether there has been compliance with all the conditions of probation.

8. Respondent shall comply with the Division's probation surveillance program. Respondent shall, at all times, keep the Division informed of his or her addresses of business and residence which shall both serve as addresses of record. Changes of such addresses shall be immediately communicated in writing to the Division. Under no circumstances shall a post office box serve as an address of record.

9. Respondent shall also immediately inform the Division, in writing, of any travel to any areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty (30) days.

10. Respondent shall appear in person for interviews with the Division, its designee or its designated physician(s) upon request at various intervals and with reasonable notice.

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11. In the event Respondent should leave California to reside or to practice outside the State or for any reason should Respondent stop practicing medicine in California, Respondent shall notify the Division or its designee in writing within ten days of the dates of departure and return or the dates of non-practice within California. Non-practice is defined as any period of time exceeding thirty days in which Respondent is not engaging in any activities defined in Sections 2051 and 2052 of the Business and Professions Code. All time spent in an intensive training program approved by the Division or its designee shall be considered as time spent in the practice of medicine. Periods of temporary or permanent residence or practice outside California or of non-practice within California, as defined in this condition, will not apply to the reduction of the probationary period.

12. If Respondent violates probation in any respect, the Division, after giving Respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an accusation or petition to revoke probation is filed against Respondent during probation, the Division shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

13. Respondent is hereby ordered to reimburse the Division the amount of \$7006.54 within 90 days from the effective date of this decision for its investigative and prosecution costs. Failure to reimburse the Division's cost of its investigation and prosecution shall constitute a violation of the probation order, unless the Division agrees in writing to payment by an installment plan because of financial hardship. The filing of bankruptcy by Respondent shall not relieve Respondent of his responsibility to reimburse the Division for its investigative and prosecution costs.

14. Respondent shall pay the costs associated with probation monitoring each and every year of probation. Such costs shall be payable to the Medical Board of California at the end of each fiscal year. Failure to pay such costs shall be considered a violation of probation.

15. Following the effective date of this decision, if Respondent ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the terms and conditions of probation, Respondent may voluntarily tender his certificate to the Board. The Division reserves the right to evaluate the Respondent's request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the tendered license, Respondent will no longer be subject to the terms and conditions of probation.

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16. Upon successful completion of probation, Respondent's certificate shall be fully restored.

DATED: June 28, 1999

  
H. STUART WAXMAN  
Administrative Law Judge  
Office of Administrative Hearings

1 DANIEL E. LUNGREN, Attorney General  
of the State of California  
2 RICHARD AVILA,  
Deputy Attorney General  
3 CALIFORNIA DEPARTMENT OF JUSTICE  
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5 Attorneys for Complainant  
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FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO January 31 1997  
BY Hattie Johnson ANALYST

8 BEFORE THE  
9 MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
10 STATE OF CALIFORNIA

11 In the Matter of the Accusation ) No. 06-95-49216  
Against: )

12 VICTOR J. CORONADO, M.D. )  
13 8728 East 6th Street )  
Downey, CA 90241 )

ACCUSATION

14 Physician and Surgeon's )  
15 License No. A-040213 )

16 Respondent. )  
17

18 The complainant alleges:

19 1. Complainant, Ron Joseph, is the Executive Director  
20 of the Medical Board of California (hereinafter "Board") and  
21 brings this accusation in his official capacity.

22 2. On or about July 25, 1983, Physician and Surgeon  
23 Certificate No. A-040213 was issued by the Board to Victor J.  
24 Coronado, M.D. (hereinafter "respondent"), and at all times  
25 relevant to the charges brought herein, said license has been in  
26 full force and effect.  
27

## JURISDICTION

3. This petition is brought under the authority of the following sections of the Business and Professions Code (hereinafter "Code"):

A. Sections 2004, 2220, and 2227 of the Code authorize the Board to initiate disciplinary actions which may result in the revocation, suspension and restriction through probation of a physician and surgeon's license.

B. Section 2234 provides, in pertinent part, as follows: "The Division of Medical Quality shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

"(a) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter.

"(b) Gross negligence. . .

"(d) Incompetence.

"(e) The commission of any act involving dishonesty or corruption which is substantially related to the qualifications, functions, or duties of a physician and surgeon.

"(f) Any action or conduct which would have warranted the denial of a certificate."

C. Section 2238 of the Code provides as follows:

"A violation of any federal statute or federal regulation or any of the statutes or regulations of this state regulating dangerous drugs or controlled substances constitutes

1 unprofessional conduct."

2 D. Section 2242 of the Code provides, in  
3 pertinent part, as follows:

4 "(a) Prescribing, dispensing, or furnishing  
5 dangerous drugs as defined in Section 4211, without a good faith  
6 prior examination and medical indication therefor, constitutes  
7 unprofessional conduct."

8 E. Section 4211 of the Code provides, in  
9 pertinent part, as follows:

10 "'Dangerous drug' means any drug unsafe for self-  
11 medication . . . and includes the following:

12 "(a) Any drug that bears the legend: 'Caution:  
13 federal law prohibits dispensing without prescription' or words  
14 of similar import. . .

15 "(c) Any other drug . . . that by federal or state  
16 law can be lawfully dispensed only on prescription or furnished  
17 pursuant to Section 4240. . . ."

18 F. Section 2266 of the Code provides as follows:

19 "The failure of a physician and surgeon to  
20 maintain adequate and accurate records relating to the provision  
21 of services to their patients constitutes unprofessional  
22 conduct."

23 G. Section 2264 of the Code provides as follows:

24 "The employing, directly or indirectly, the  
25 aiding, or the abetting of any unlicensed person or any  
26 suspended, revoked, or unlicensed practitioner to engage in the  
27 practice of medicine or any other mode of treating the sick or

1 afflicted which requires a license to practice constitutes  
2 unprofessional conduct."

3 H. Section 16.01 of the 1996/1997 Budget Act of  
4 the State of California provides, in pertinent part, that: (a)  
5 no funds appropriated by this act may be expended to pay any  
6 Medi-Cal claim for any service performed by a physician while  
7 that physician's license is under suspension or revocation due to  
8 a disciplinary action of the Medical Board of California; and,  
9 (b) no funds appropriated by this act may be expended to pay any  
10 Medi-Cal claim for any surgical service or other invasive  
11 procedure performed on any Medi-Cal beneficiary by a physician if  
12 that physician has been placed on probation due to a disciplinary  
13 action of the Medical Board of California related to the  
14 performance of that specific service or procedure on any patient,  
15 except in any case where the board makes a determination during  
16 its disciplinary process that there exist compelling  
17 circumstances that warrant continued Medi-Cal reimbursement  
18 during the probationary period.

19 I. Section 125.3 of the Code authorizes the Board  
20 to collect from respondent the reasonable costs of investigation  
21 and enforcement connected with the prosecution of the instant  
22 disciplinary action up to the date of hearing, including, but not  
23 limited to, charges imposed by the Attorney General.

#### 24 FIRST CAUSE OF ACTION

25 4. Respondent's license is subject to disciplinary  
26 action under section 2234, subdivision (b) of the Code [Gross  
27 Negligence], in connection with sections 2238, 2242, subdivision

1 (a), 4211 and 2266 of the Code, in that he caused to be  
2 administered to M.V. a dangerous drug without a good faith prior  
3 examination and medical indication therefor. The circumstances  
4 are as follows:

5 A. On or about May 31, 1994, M.V. visited respondent's  
6 medical clinic where she was attended by respondent's medical  
7 assistant, Gloria G. Giron.

8 B. Giron took M.V.'s medical history and vital signs.

9 C. M.V. told Giron that the thumb, index and middle  
10 fingers of her right hand felt numb.

11 D. Respondent did not conduct a physical examination  
12 of M.V.'s right hand.

13 E. Respondent ordered that M.V. be given an injection  
14 of Calcium Chloride, a dangerous drug, to address M.V.'s  
15 complaint of numbness in her right hand.

16 F. Giron attempted to administer the Calcium Chloride  
17 intravenously and punctured M.V.'s right arm with a hypodermic  
18 needle, injecting Calcium Chloride into M.V.'s subcutaneous  
19 tissue, but was unable to achieve intravenous transmission  
20 thereof.

21 G. Immediately following the injection, M.V.  
22 complained to Giron about a painful burning sensation on the skin  
23 at the site of the injection.

24 H. The injection of Calcium Chloride into a human  
25 being's subcutaneous tissue, without first assuring venous  
26 access, is not within the standard of practice.

27 I. The use of Calcium Chloride to treat numbness or

1 cramps in the hands is not within the standard of practice.

2 J. As a result of the Calcium Chloride injection, a  
3 painful ulcer formed around the injection site at M.V.'s right  
4 forearm, requiring additional medical treatment.

5 K. The ulcer on M.V.'s right forearm caused by the  
6 injection eventually became a 4 x 4 cm. scar.

7 L. Respondent's medical records for M.V. fail to  
8 document the administration of tests to identify the cause(s) for  
9 her right hand numbness, the making of a provisional diagnosis,  
10 the selection of a plan of treatment involving Calcium Chloride,  
11 or the transmission of a patient specific order from respondent  
12 to Giron for the purpose of having M.V. injected with Calcium  
13 Chloride.

## 14 SECOND CAUSE OF ACTION

15 5. Respondent's license is subject to disciplinary  
16 action pursuant to section 2234, subdivision (d) of the Code  
17 [Incompetence], in connection with sections 2238, 2242, 4211 and  
18 2266 of the Code, for the reasons stated at above numbered  
19 paragraph 4, which is incorporated by reference herein as if  
20 fully set forth.

## 21 THIRD CAUSE OF ACTION

22 6. Respondent's license is subject to disciplinary  
23 action pursuant to section 2242 of the Code [dispensing dangerous  
24 drugs without a medical indication therefor], in connection with  
25 sections 2238 and 2266 of the Code, for the reasons stated at  
26 above numbered paragraph 4, which is incorporated by reference  
27 herein as if fully set forth.

#### FOURTH CAUSE OF ACTION \*

7. Respondent's license is subject to disciplinary action pursuant to section 2266 of the Code [failure to maintain adequate and accurate records], in connection with sections 2238, 2242, subdivision (a) and 4211 of the Code, for the reasons stated at above numbered paragraph 4, which is incorporated by reference herein as if fully set forth.

#### FIFTH CAUSE OF ACTION

8. Respondent's license is subject to disciplinary action pursuant to sections 2234, subdivision (a), and 2264 of the Code [aiding and abetting the unlicensed practice of medicine], in connection with sections 2238, 2242, subdivision (a), 2266 and 4211 of the Code, for the reasons stated at above numbered paragraph 4, which is incorporated by reference herein as if fully set forth, as well as for the following reasons:

A. M.V. was not seen or examined by respondent on the day she was injected with Calcium Chloride by Giron, which was on or about May 31, 1994. \*

B. On or about May 31, 1994, at respondent's clinic, Giron examined M.V., determined that the cause of her right hand numbness was poor circulation, selected an injection of Calcium Chloride as the mode of treating M.V.'s right hand numbness, and injected Calcium Chloride into the subcutaneous tissue of M.V.'s right forearm.

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PRAYER

WHEREFORE, the complainant requests that a hearing be held on the matters alleged herein, and that following said hearing, the Board issue a decision:

1. Revoking or suspending Physician and Surgeon Certificate Number A-040213, heretofore issued to respondent, VICTOR J. CORONADO, M.D.

2. Ordering respondent to pay the Division the reasonable costs of the investigation and enforcement of this case and, if placed on probation, the costs of probation monitoring.

3. Taking such other and further action as the Division or its designee deems proper.

DATED: January 31, 1997



RON JOSEPH, Executive Director  
MEDICAL BOARD OF CALIFORNIA

1 DANIEL E. LUNGREN, Attorney General  
of the State of California  
2 RICHARD AVILA,  
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3 State Bar No. 91214  
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4 300 South Spring Street, 6th Fl.-South  
Los Angeles, California 90013  
5 Telephone: (213) 897-6804

6 Attorneys for Complainant

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8  
9 **BEFORE THE**  
**MEDICAL BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation ) No. 06-95-49216  
12 Against: )  
13 VICTOR J. CORONADO, M.D. )  
8728 East 6th Street ) AMENDMENT AND SUPPLEMENT TO  
14 Downey, CA 90241 ) ACCUSATION  
15 Physician and Surgeon's )  
License No. A-040213 )  
16 Physician Assistant )  
17 Supervisor License )  
No. SA-16666 )  
18 Respondent. )  
19

20 The complainant alleges:

21 1. Complainant, Ron Joseph, is the Executive Director  
22 of the Medical Board of California (hereinafter "Board") and in  
23 his official capacity as such offers the following amendments and  
24 supplementation of allegations to the Accusation filed in this  
25 case on or about January 31, 1997:

26 **AMENDMENTS**

27 A. At page 1, line 26 of the Accusation, add the

1 following sentence: Respondent also holds Physician Assistant  
2 Supervisor License Number SA-16666, which is valid through  
3 December 31, 1998.

4 B. At page 3, line 18 of the Jurisdiction section  
5 of the Accusation, add the following new paragraph F:

6 Section 11153, subdivision (a) of the Health &  
7 Safety Code provides, in pertinent part, as follows:

8 "A prescription for a controlled substance shall  
9 only be issued for a legitimate medical purpose by an individual  
10 practitioner acting in the usual course of his or her  
11 professional practice. The responsibility for the proper  
12 prescribing and dispensing of controlled substances is upon the  
13 prescribing practitioner, but a corresponding responsibility  
14 rests with the pharmacist who fills the prescription. Except as  
15 authorized by this division, the following are not legal  
16 prescriptions: (1) an order purporting to be a prescription  
17 which is issued not in the usual course of professional treatment  
18 or in legitimate and authorized research . . . ."

19 C. At page 4, line 3 of the Accusation,  
20 designated as paragraph H, substitute the term 1997/98 for the  
21 term 1996/97.

22 D. At page 8, line 6 of the Prayer section of the  
23 Accusation, following the number "3" thereon add the following  
24 words: and Physician Assistant Supervisor License Number SA-  
25 16666.

26 2. Complainant is represented by Daniel E.  
27 Lungren, Attorney General of the State of California, through

1 Deputy Attorney General Richard Avila, who is authorized to make  
2 the amendments indicated at above numbered paragraph 1, as well  
3 as the following supplemental allegations:

4 **FIRST SUPPLEMENTAL ACCUSATION**

5 **SIXTH CAUSE OF ACTION**

6 9. Respondent's license is subject to  
7 disciplinary action pursuant to sections 2234, subdivision (a)  
8 and 2264 of the Code, in connection with sections 2238, 2242,  
9 subdivision (a) and 4211 of the Code, as well as section 11153,  
10 subdivision (a) of the Health & Safety Code, in that respondent  
11 aided and abetted the unlicensed practice of medicine. The  
12 circumstances are as follows:

13 A. On or about July 12, 1995, patient P.L. (aka  
14 Attorney General Medi-Cal Fraud Investigator M. Teresa Franco)  
15 went to respondent's clinic in Lynwood.

16 B. While there, P.L. complained of pain above and  
17 below her eyes.

18 C. Respondent's employee, Martin Gaxiola,  
19 attended P.L. in one of the clinic's examination rooms.

20 D. P.L. addressed Gaxiola as "doctor" and the  
21 latter did not correct her.

22 E. Gaxiola took P.L.'s medical history and then  
23 performed a physical examination of P.L.'s eyes, ears, throat,  
24 chest and back.

25 F. Gaxiola noted the results of the physical  
26 examination of P.L. on a chart with P.L.'s name written on it.

27 G. Gaxiola informed P.L. that she had an allergy

1 or sinus problem.

2 H. Gaxiola gave P.L. a container filled with  
3 twenty (20) pills of Fiorinal.

4 I. Gaxiola was not licensed to practice medicine  
5 in California at the time that he examined, diagnosed and  
6 prescribed medication for P.L. at respondent's clinic in Lynwood.

7 **SEVENTH CAUSE OF ACTION**

8 10. Respondent's license is subject to  
9 disciplinary action pursuant to sections 2234, subdivision (a)  
10 and 2264 of the Code, in connection with 2238, 2242, subdivision  
11 (a), 2266 and 4211 of the Code, as well as section 11153,  
12 subdivision (a) of the Health & Safety Code, in that respondent  
13 aided and abetted the unlicensed practice of medicine. The  
14 circumstances are as follows:

15 A. On and between March 11 and May 15, 1996,  
16 R.Y.O. [initials used to protect patient's right to privacy], an  
17 employee of respondent, brought her minor child into respondent's  
18 clinic in Huntington Park with a complaint of ear pain.

19 B. R.Y.O.'s minor child was attended by  
20 respondent's employee, Jose Blanco.

21 C. Blanco examined R.Y.O.'s minor child and  
22 prescribed Ceclor, an antibiotic, for the child's use.

23 D. R.Y.O. telephoned a local pharmacy from  
24 respondent's clinic for the Ceclor prescription authorized by  
25 Blanco.

26 E. Blanco did not create a patient chart for  
27 R.Y.O.'s minor child, and no charge was made for the service.

1 F. Blanco was not licensed to practice medicine  
2 in California at the time that he examined and prescribed  
3 medication for R.Y.O.'s minor child.

4 **EIGHTH CAUSE OF ACTION**

5 11. Respondent's license is subject to  
6 disciplinary action pursuant to sections 2234, subdivision (a)  
7 and 2264 of the Code, in connection with sections 2238, 2242,  
8 subdivision (a) and 4211 of the Code, as well as section 11153,  
9 subdivision (a) of the Health & Safety Code, in that respondent  
10 aided and abetted the unlicensed practice of medicine. The  
11 circumstances are as follows:

12 A. On and between January 6, 1994 and November  
13 20, 1995, respondent's employee, Mario A. Ochoa, treated and  
14 prescribed medication for patient G.A. [initials used to protect  
15 patient's right to privacy] at respondent's clinic in Lynwood.

16 B. Ochoa was not licensed to practice medicine in  
17 California when he treated and prescribed medication for patient  
18 G.A.

19 **NINTH CAUSE OF ACTION**

20 12. Respondent's license is subject to  
21 disciplinary action pursuant to sections 2234, subdivision (a)  
22 and 2264 of the Code, in connection with sections 2238, 2242,  
23 subdivision (a) and 4211 of the Code, as well as section 11153,  
24 subdivision (a) of the Health & Safety Code, in that respondent  
25 aided and abetted the unlicensed practice of medicine. The  
26 circumstances are as follows:

27 A. On and between January 1 and June 30, 1996,

1 respondent's employee, Mario A. Ochoa, treated and prescribed  
2 medication for patient R.M. [initials used to protect patient's  
3 right to privacy] at respondent's clinic in Lynwood.

4 B. Ochoa was not licensed to practice medicine in  
5 California when he treated and prescribed medication for patient  
6 R.M.

#### 7 TENTH CAUSE OF ACTION

8 13. Respondent's license is subject to  
9 disciplinary action pursuant to sections 2234, subdivision (a)  
10 and 2264 of the Code, in that respondent aided and abetted the  
11 unlicensed practice of medicine. The circumstances are as  
12 follows:

13 A. On or about February 12, 1996, respondent's  
14 employee, Mario A. Ochoa, treated patient M.M., as well as her  
15 three children, C.M., S.M. and C.M. [initials used to protect  
16 patients' right to privacy], at respondent's clinic in Lynwood.

17 B. Ochoa was not licensed to practice medicine in  
18 California when he treated M.M. and her three children.

#### 19 ELEVENTH CAUSE OF ACTION

20 14. Respondent's license is subject to  
21 disciplinary action pursuant to sections 2234, subdivision (a)  
22 and 2264 of the Code, in connection with sections 2238, 2242,  
23 subdivision (a) and 4211 of the Code, as well as section 11153,  
24 subdivision (a) of the Health & Safety Code, in that respondent  
25 aided and abetted the unlicensed practice of medicine. The  
26 circumstances are as follows:

27 A. On or about May 28 and 29, 1996, respondent's

1 employee, Humberto Equihua, treated and prescribed medication for  
2 E.M. [initials used to protect patient's right to privacy], the  
3 minor child of M.M., at respondent's clinic in Lynwood.

4 B. Equihua was not licensed to practice medicine  
5 in California when he treated and prescribed medication for E.M.

6 **TWELFTH CAUSE OF ACTION**

7 15. Respondent's license is subject to  
8 disciplinary action pursuant to sections 2234, subdivision (a)  
9 and 2264 of the Code, in connection with sections 2238, 2242,  
10 subdivision (a) and 4211 of the Code, as well as section 11153,  
11 subdivision (a) of the Health & Safety Code, in that respondent  
12 aided and abetted the unlicensed practice of medicine. The  
13 circumstances are as follows:

14 A. On and between May 14 and June 6, 1996,  
15 respondent's employee, America Rocha, treated and prescribed  
16 medication for patient V.D. [initials used to protect patient's  
17 right to privacy], the minor child of R.H., at respondent's  
18 clinic in Whittier.

19 B. Rocha was not licensed to practice medicine in  
20 California when she treated and prescribed medication for V.D.

21 **THIRTEENTH CAUSE OF ACTION**

22 16. Respondent's license is subject to  
23 disciplinary action pursuant to sections 2234, subdivision (a)  
24 and 2264 of the Code, in connection with sections 2238, 2242,  
25 subdivision (a) and 4211 of the Code, as well as section 11153,  
26 subdivision (a) of the Health & Safety Code, in that respondent  
27 aided and abetted the unlicensed practice of medicine. The

1 circumstances are as follows:

2           A. On or about June 11, 1996, respondent's  
3 employee, America Rocha, treated and prescribed medication for  
4 patient J.Z. [initials used to protect patient's right to  
5 privacy], the minor child of H.M., at respondent's clinic in  
6 Whittier.

7           B. Rocha was not licensed to practice medicine in  
8 California when she treated and prescribed medication for J.Z.

9                           **FOURTEENTH CAUSE OF ACTION**

10           17. Respondent's license is subject to  
11 disciplinary action pursuant to sections 2234, subdivision (a)  
12 and 2264 of the Code, in connection with sections 2238, 2242,  
13 subdivision (a) and 4211 of the Code, as well as section 11153,  
14 subdivision (a) of the Health & Safety Code, in that respondent  
15 aided and abetted the unlicensed practice of medicine. The  
16 circumstances are as follows:

17           A. On and between March 11 and May 15, 1996,  
18 respondent's employee, Silvano Bracamontes, performed  
19 Electroencephalograms or EEG's on patients at respondent's clinic  
20 in Huntington Park, and gave these patients Chloral Hydrate to  
21 prepare them for the EEG, without the assistance of a licensed  
22 physician or anesthesiologist.

23           B. Bracamontes was not licensed to practice  
24 medicine in California when he performed the EEG's and  
25 administered Chloral Hydrate to these patients.

26                           **FIFTEENTH CAUSE OF ACTION**

27           18. Respondent's license is subject to

1 disciplinary action pursuant to sections 2234, subdivision (a)  
2 and 2264 of the Code, in connection with sections 2238, 2242,  
3 subdivision (a) and 4211 of the Code, as well as section 11153,  
4 subdivision (a) of the Health & Safety Code, in that respondent  
5 aided and abetted the unlicensed practice of medicine. The  
6 circumstances are as follows:

7           A. On and between March 11 and May 15, 1996,  
8 respondent's employee, Wilson Pereira Da Silva, treated and  
9 prescribed medication for patients at respondent's clinic in the  
10 City of Los Angeles.

11           B. Da Silva was not licensed to practice medicine  
12 in California when he treated and prescribed medication for these  
13 patients.

14           C. The patient charts completed by Da Silva were  
15 taken to Dr. Javid Nehorai, a licensed physician and employee of  
16 respondent, for review.

17           D. Dr. Nehorai was not aware that Da Silva was  
18 unlicensed when he reviewed the patient charts provided by Da  
19 Silva.

#### 20                           SIXTEENTH CAUSE OF ACTION

21           19. Respondent's license is subject to  
22 disciplinary action pursuant to sections 2234, subdivision (a)  
23 and 2264 of the Code, in connection with sections 2238, 2242,  
24 subdivision (a) and 4211 of the Code, as well as section 11153,  
25 subdivision (a) of the Health & Safety Code, in that respondent  
26 aided and abetted the unlicensed practice of medicine. The  
27 circumstances are as follows:

1           A. On and between March 11 and May 15, 1996,  
2 respondent's employee, America Rocha, treated and prescribed  
3 medication for patients at respondent's clinic in Whittier.

4           B. Rocha was not licensed to practice medicine in  
5 California when she treated and prescribed medication for these  
6 patients.

7                           **SEVENTEENTH CAUSE OF ACTION**

8           20. Respondent's license is subject to  
9 disciplinary action pursuant to sections 2234, subdivision (a)  
10 and 2264 of the Code, in connection with sections 2238, 2242,  
11 subdivision (a) and 4211 of the Code, as well as section 11153,  
12 subdivision (a) of the Health & Safety Code, in that respondent  
13 aided and abetted the unlicensed practice of medicine. The  
14 circumstances are as follows:

15           A. On and between March 11 and May 15, 1996,  
16 respondent's employee, Mario A. Ochoa, treated and prescribed  
17 medication for patients at respondent's clinic in Lynwood.

18           B. Ochoa was not licensed to practice medicine in  
19 California when he treated and prescribed medication for these  
20 patients.

21           C. The patient charts completed by Ochoa were  
22 taken to Dr. Javid Nehorai, a licensed physician and employee of  
23 respondent, for review.

24           D. Dr. Nehorai was not aware that Ochoa was  
25 unlicensed when he reviewed the patient charts provided by  
26 Ochoa.

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ATTACHMENT

1 DANIEL E. LUNGREN, Attorney General  
of the State of California  
2 RICHARD AVILA,  
Deputy Attorney General  
3 State Bar No. 91214  
CALIFORNIA DEPARTMENT OF JUSTICE  
4 300 South Spring Street, 6th Fl.-South  
Los Angeles, California 90013  
5 Telephone: (213) 897-6804  
6 Attorneys for Complainant

7  
8  
9 **BEFORE THE**  
**MEDICAL BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation ) No. 06-95-49216  
12 Against: )  
13 VICTOR J. CORONADO, M.D. )  
8728 East 6th Street ) FIRST AMENDED AND FIRST  
14 Downey, CA 90241 ) SUPPLEMENTAL ACCUSATION  
15 Physician and Surgeon's )  
License No. A-040213 )  
16 Physician Assistant )  
17 Supervisor License )  
No. SA-16666 )  
18 Respondent. )  
19

20 The complainant alleges:

21 1. Complainant, Ron Joseph, is the Executive Director  
22 of the Medical Board of California (hereinafter "Board") and  
23 brings this accusation in his official capacity.

24 2. On or about July 25, 1983, Physician and Surgeon  
25 Certificate No. A-040213 was issued by the Board to Victor J.  
26 Coronado, M.D. (hereinafter "respondent"), and at all times  
27 relevant to the charges brought herein, said license has been in

1 full force and effect. Respondent also holds Physician Assistant  
2 Supervisor License Number SA-16666, which is valid through  
3 December 1, 1998.

#### 4 JURISDICTION

5 3. This petition is brought under the authority of the  
6 following sections of the Business and Professions Code  
7 (hereinafter "Code") and related statutes:

8 A. Sections 2004, 2220, and 2227 of the Code  
9 authorize the Board to initiate disciplinary actions which may  
10 result in the revocation, suspension and restriction through  
11 probation of a physician and surgeon's license.

12 B. Section 2234 provides, in pertinent part, as  
13 follows: "The Division of Medical Quality shall take action  
14 against any licensee who is charged with unprofessional conduct.  
15 In addition to other provisions of this article, unprofessional  
16 conduct includes, but is not limited to, the following:

17 "(a) Violating or attempting to violate, directly  
18 or indirectly, or assisting in or abetting the violation of, or  
19 conspiring to violate, any provision of this chapter.

20 "(b) Gross negligence. . .

21 "(d) Incompetence.

22 "(e) The commission of any act involving  
23 dishonesty or corruption which is substantially related to the  
24 qualifications, functions, or duties of a physician and surgeon.

25 "(f) Any action or conduct which would have  
26 warranted the denial of a certificate."

27 C. Section 2238 of the Code provides as follows:

1 "A violation of any federal statute or federal  
2 regulation or any of the statutes or regulations of this state  
3 regulating dangerous drugs or controlled substances constitutes  
4 unprofessional conduct."

5 D. Section 2242 of the Code provides, in  
6 pertinent part, as follows:

7 "(a) Prescribing, dispensing, or furnishing  
8 dangerous drugs as defined in Section 4211, without a good faith  
9 prior examination and medical indication therefor, constitutes  
10 unprofessional conduct."

11 E. Section 4211 of the Code provides, in  
12 pertinent part, as follows:

13 "'Dangerous drug' means any drug unsafe for self-  
14 medication . . . and includes the following:

15 "(a) Any drug that bears the legend: 'Caution:  
16 federal law prohibits dispensing without prescription' or words  
17 of similar import. . .

18 "(c) Any other drug . . . that by federal or state  
19 law can be lawfully dispensed only on prescription or furnished  
20 pursuant to Section 4240. . . ."

21 F. Section 11153, subdivision (a) of the Health &  
22 Safety Code provides, in pertinent part, as follows:

23 "A prescription for a controlled substance shall  
24 only be issued for a legitimate medical purpose by an individual  
25 practitioner acting in the usual course of his or her  
26 professional practice. The responsibility for the proper  
27 prescribing and dispensing of controlled substances is upon the

1 prescribing physician, but a corresponding responsibility rests  
2 with the pharmacist who fills the prescription. Except as  
3 authorized by this division, the following are not legal  
4 prescriptions: (1) an order purporting to be a prescription  
5 which is issued not in the usual course of professional treatment  
6 or in legitimate and authorized research . . . ."

7 G. Section 2266 of the Code provides as follows:

8 "The failure of a physician and surgeon to  
9 maintain adequate and accurate records relating to the provision  
10 of services to their patients constitutes unprofessional  
11 conduct."

12 H. Section 2264 of the Code provides as follows:

13 "The employing, directly or indirectly, the  
14 aiding, or the abetting of any unlicensed person or any  
15 suspended, revoked, or unlicensed practitioner to engage in the  
16 practice of medicine or any other mode of treating the sick or  
17 afflicted which requires a license to practice constitutes  
18 unprofessional conduct."

19 I. Section 16.01 of the 1997/1998 Budget Act of  
20 the State of California provides, in pertinent part, that: (a)  
21 no funds appropriated by this act may be expended to pay any  
22 Medi-Cal claim for any service performed by a physician while  
23 that physician's license is under suspension or revocation due to  
24 a disciplinary action of the Medical Board of California; and,  
25 (b) no funds appropriated by this act may be expended to pay any  
26 Medi-Cal claim for any surgical service or other invasive  
27 procedure performed on any Medi-Cal beneficiary by a physician if

1 that physician has been placed on probation due to a disciplinary  
2 action of the Medical Board of California related to the  
3 performance of that specific service or procedure on any patient,  
4 except in any case where the board makes a determination during  
5 its disciplinary process that there exist compelling  
6 circumstances that warrant continued Medi-Cal reimbursement  
7 during the probationary period.

8 J. Section 125.3 of the Code authorizes the Board  
9 to collect from respondent the reasonable costs of investigation  
10 and enforcement connected with the prosecution of the instant  
11 disciplinary action up to the date of hearing, including, but not  
12 limited to, charges imposed by the Attorney General.

#### 13 FIRST CAUSE OF ACTION

14 4. Respondent's license is subject to disciplinary  
15 action under section 2234, subdivision (b) of the Code [Gross  
16 Negligence], in connection with sections 2238, 2242, subdivision  
17 (a), 4211 and 2266 of the Code, in that he caused to be  
18 administered to M.V. a dangerous drug without a good faith prior  
19 examination and medical indication therefor. The circumstances  
20 are as follows:

21 A. On or about May 31, 1994, M.V. visited respondent's  
22 medical clinic where she was attended by respondent's medical  
23 assistant, Gloria G. Giron.

24 B. Giron took M.V.'s medical history and vital signs.

25 C. M.V. told Giron that the thumb, index and middle  
26 fingers of her right hand felt numb.

27 D. Respondent did not conduct a physical examination

1 of M.V.'s right hand.

2 E. Respondent ordered that M.V. be given an injection  
3 of Calcium Chloride, a dangerous drug, to address M.V.'s  
4 complaint of numbness in her right hand.

5 F. Giron attempted to administer the Calcium Chloride  
6 intravenously and punctured M.V.'s right arm with a hypodermic  
7 needle, injecting Calcium Chloride into M.V.'s subcutaneous  
8 tissue, but was unable to achieve intravenous transmission  
9 thereof.

10 G. Immediately following the injection, M.V.  
11 complained to Giron about a painful burning sensation on the skin  
12 at the site of the injection.

13 H. The injection of Calcium Chloride into a human  
14 being's subcutaneous tissue, without first assuring venous  
15 access, is not within the standard of practice.

16 I. The use of Calcium Chloride to treat numbness or  
17 cramps in the hands is not within the standard of practice.

18 J. As a result of the Calcium Chloride injection, a  
19 painful ulcer formed around the injection site at M.V.'s right  
20 forearm, requiring additional medical treatment.

21 K. The ulcer on M.V.'s right forearm caused by the  
22 injection eventually became a 4 x 4 cm. scar.

23 L. Respondent's medical records for M.V. fail to  
24 document the administration of tests to identify the cause(s) for  
25 her right hand numbness, the making of a provisional diagnosis,  
26 the selection of a plan of treatment involving Calcium Chloride,  
27 or the transmission of a patient specific order from respondent

1 to Giron for the purpose of having M.V. injected with Calcium  
2 Chloride.

3 **SECOND CAUSE OF ACTION**

4 5. Respondent's license is subject to disciplinary  
5 action pursuant to section 2234, subdivision (d) of the Code  
6 [Incompetence], in connection with sections 2238, 2242, 4211 and  
7 2266 of the Code, for the reasons stated at above numbered  
8 paragraph 4, which is incorporated by reference herein as if  
9 fully set forth.

10 **THIRD CAUSE OF ACTION**

11 6. Respondent's license is subject to disciplinary  
12 action pursuant to section 2242 of the Code [dispensing dangerous  
13 drugs without a medical indication therefor], in connection with  
14 sections 2238 and 2266 of the Code, for the reasons stated at  
15 above numbered paragraph 4, which is incorporated by reference  
16 herein as if fully set forth.

17  
18 **FOURTH CAUSE OF ACTION**

19 7. Respondent's license is subject to disciplinary  
20 action pursuant to section 2266 of the Code [failure to maintain  
21 adequate and accurate records], in connection with sections 2238,  
22 2242, subdivision (a) and 4211 of the Code, for the reasons  
23 stated at above numbered paragraph 4, which is incorporated by  
24 reference herein as if fully set forth.

25 **FIFTH CAUSE OF ACTION**

26 8. Respondent's license is subject to disciplinary  
27 action pursuant to sections 2234, subdivision (a), and 2264 of

1 the Code [aiding and abetting the unlicensed practice of  
2 medicine], in connection with sections 2238, 2242, subdivision  
3 (a), 2266 and 4211 of the Code, for the reasons stated at above  
4 numbered paragraph 4, which is incorporated by reference herein  
5 as if fully set forth, as well as for the following reasons:

6           A. M.V. was not seen or examined by respondent on the  
7 day she was injected with Calcium Chloride by Giron, which was on  
8 or about May 31, 1994.

9           B. On or about May 31, 1994, at respondent's clinic,  
10 Giron examined M.V., determined that the cause of her right hand  
11 numbness was poor circulation, selected an injection of Calcium  
12 Chloride as the mode of treating M.V.'s right hand numbness, and  
13 injected Calcium Chloride into the subcutaneous tissue of M.V.'s  
14 right forearm.

#### 15                               SIXTH CAUSE OF ACTION

16           9. Respondent's license is subject to disciplinary  
17 action pursuant to sections 2234, subdivision (a) and 2264 of the  
18 Code, in connection with sections 2238, 2242, subdivision (a) and  
19 4211 of the Code, as well as section 11153, subdivision (a) of  
20 the Health & Safety Code, in that respondent aided and abetted  
21 the unlicensed practice of medicine. The circumstances are as  
22 follows:

23           A. On or about July 12, 1995, patient P.L. (aka  
24 Attorney General Medi-Cal Fraud Investigator M. Teresa Franco)  
25 went to respondent's clinic in Lynwood.

26           B. While there, P.L. complained of pain above and  
27 below her eyes.

1 C. Respondent's employee, Martin Gaxiola, attended  
2 P.L. in one of the clinic's examination rooms.

3 D. P.L. addressed Gaxiola as "doctor" and the latter  
4 did not correct her.

5 E. Gaxiola took P.L.'s medical history and then  
6 performed a physical examination of P.L.'s eyes, ears, throat,  
7 chest and back.

8 F. Gaxiola noted the results of the physical  
9 examination of P.L. on a chart with P.L.'s name written on it.

10 G. Gaxiola informed P.L. that she had an allergy or  
11 sinus problem.

12 H. Gaxiola gave P.L. a container filled with twenty  
13 (20) pills of Fiorinal.

14 I. Gaxiola was not licensed to practice medicine in  
15 California at the time that he examined, diagnosed and prescribed  
16 medication for P.L. at respondent's clinic in Lynwood.

17 **SEVENTH CAUSE OF ACTION**

18 10. Respondent's license is subject to disciplinary  
19 action pursuant to sections 2238, subdivision (a) and 2264 of the  
20 Code, in connection with sections 2238, 2242, subdivision (a),  
21 2266 and 4211 of the Code, as well as section 11153, subdivision  
22 (a) of the Health & Safety Code, in that respondent aided and  
23 abetted the unlicensed practice of medicine. The circumstances  
24 are as follows:

25 A. On and between March 11 and May 15, 1996, R.Y.O.  
26 [initials used to protect patient's right to privacy], an  
27 employee of respondent, brought her minor child into respondent's

1 clinic in Huntington Park with a complaint of ear pain.

2 B. R.Y.O.'s minor child was attended by respondent's  
3 employee, Jose Blanco.

4 C. Blanco examined R.Y.O.'s minor child and prescribed  
5 Ceclor, an antibiotic, for the child's use.

6 D. R.Y.O. telephoned a local pharmacy from  
7 respondent's clinic for the Ceclor prescription authorized by  
8 Blanco.

9 E. Blanco did not create a patient chart for R.Y.O.'s  
10 minor child, and no charge was made for the service.

11 F. Blanco was not licensed to practice medicine in  
12 California at the time that he examined and prescribed medication  
13 for R.Y.O.'s minor child.

14 **EIGHTH CAUSE OF ACTION**

15 11. Respondent's license is subject to disciplinary  
16 action pursuant to sections 2234, subdivision (a) and 2264 of the  
17 Code, in connection with sections 2238, 2242, subdivision (a) and  
18 4211 of the Code, as well as section 11153, subdivision (a) of  
19 the Health & Safety Code, in that respondent aided and abetted  
20 the unlicensed practice of medicine. The circumstances are as  
21 follows:

22 A. On and between January 6, 1994 and November 20,  
23 1995, respondent's employee, Mario A. Ochoa, treated and  
24 prescribed medication for patient G.A. [initials used to protect  
25 patient's right to privacy] at respondent's clinic in Lynwood.

26 B. Ochoa was not licensed to practice medicine in  
27 California when he treated and prescribed medication for patient

1 G.A.

2 **NINTH CAUSE OF ACTION**

3 12. Respondent's license is subject to disciplinary  
4 action pursuant to sections 2234, subdivision (a) and 2264 of the  
5 Code, in connection with sections 2238, 2242, subdivision (a) and  
6 4211 of the Code, as well as section 11153, subdivision (a) of  
7 the Health & Safety Code, in that respondent aided and abetted  
8 the unlicensed practice of medicine. The circumstances are as  
9 follows:

10 A. On and between January 1 and June 30, 1996,  
11 respondent's employee, Mario A. Ochoa, treated and prescribed  
12 medication for patient R.M. [initials used to protect patient's  
13 right to privacy] at respondent's clinic in Lynwood.

14 B. Ochoa was not licensed to practice medicine in  
15 California when he treated and prescribed medication for patient  
16 R.M.

17 **TENTH CAUSE OF ACTION**

18 13. Respondent's license is subject to disciplinary  
19 action pursuant to sections 2234, subdivision (a) and 2264 of the  
20 Code, in that respondent aided and abetted the unlicensed  
21 practice of medicine. The circumstances are as follows:

22 A. On or about February 12, 1996, respondent's  
23 employee, Mario A. Ochoa, treated patient M.M., as well her three  
24 children, C.M., S.M. and C.M. [initials used to protect patients'  
25 right to privacy], at respondent's clinic in Lynwood.

26 B. Ochoa was not licensed to practice medicine in  
27 California when he treated M.M. and her three children.

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**ELEVENTH CAUSE OF ACTION**

14. Respondent's license is subject to disciplinary action pursuant to sections 2234, subdivision (a) and 2264 of the Code, in connection with sections 2238, 2242, subdivision (a) and 4211 of the Code, as well as section 11153, subdivision (a) of the Health & Safety Code, in that respondent aided and abetted the unlicensed practice of medicine. The circumstances are as follows:

A. On or about May 28 and 29, 1996, respondent's employee, Humberto Equihua, treated and prescribed medication for patient E.M. [initials used to protect patient's right to privacy], the minor child of M.M., at respondent's clinic in Lynwood.

B. Equihua was not licensed to practice medicine in California when he treated and prescribed medication for E.M.

**TWELFTH CAUSE OF ACTION**

15. Respondent's license is subject to disciplinary action pursuant to sections 2234, subdivision (a) and 2264 of the Code, in connection with sections 2238, 2242, subdivision (a) and 4211 of the Code, as well as section 11153, subdivision (a) of the Health & Safety Code, in that respondent aided and abetted the unlicensed practice of medicine. The circumstances are as follows:

A. On and between May 14 and June 6, 1996, respondent's employee, America Rocha, treated and prescribed medication for patient V.D. [initials used to protect patient's right to privacy], the minor child of R.H., at respondent's

1 clinic in Whittier.

2 B. Rocha was not licensed to practice medicine in  
3 California when she treated and prescribed medication for V.D.

4 **THIRTEENTH CAUSE OF ACTION**

5 16. Respondent's license is subject to disciplinary  
6 action pursuant to sections 2234, subdivision (a) and 2264 of the  
7 Code, in connection with sections 2238, 2242, subdivision (a) and  
8 4211 of the Code, as well as section 11153, subdivision (a) of  
9 the Health & Safety Code, in that respondent aided and abetted  
10 the unlicensed practice of medicine. The circumstances are as  
11 follows:

12 A. On or about June 11, 1996, respondent's employee,  
13 America Rocha, treated and prescribed medication for patient J.Z.  
14 [initials used to protect patient's right to privacy], the minor  
15 child of H.M., at respondent's clinic in Whittier.

16 B. Rocha was not licensed to practice medicine in  
17 California when she treated and prescribed medication for J.Z.

18 **FOURTEENTH CAUSE OF ACTION**

19 17. Respondent's license is subject to disciplinary  
20 action pursuant to sections 2234, subdivision (a) and 2264 of the  
21 Code, in connection with sections 2238, 2242, subdivision (a) and  
22 4211 of the Code, as well as section 11153, subdivision (a) of  
23 the Health & Safety Code, in that respondent aided and abetted  
24 the unlicensed practice of medicine. The circumstances are as  
25 follows:

26 A. On and between March 11 and May 15, 1996,  
27 respondent's employee, Silvano Bracamontes, performed

1 Electroencephalograms or EEG's on patients at respondent's clinic  
2 in Huntington Park, and gave these patients Chloral Hydrate to  
3 prepare them for the EEG, without the assistance of a licensed  
4 physician or anesthesiologist.

5 B. Bracamontes was not licensed to practice medicine  
6 in California when he performed the EEG's and administered  
7 Chloral Hydrate to these patients.

8 **FIFTEENTH CAUSE OF ACTION**

9 18. Respondent's license is subject to disciplinary  
10 action pursuant to sections 2234, subdivision (a) and 2264 of the  
11 Code, in connection with sections 2238, 2242, subdivision (a) and  
12 4211 of the Code, as well as section 11153, subdivision (a) of  
13 the Health & Safety Code, in that respondent aided and abetted  
14 the unlicensed practice of medicine. The circumstances are as  
15 follows:

16 A. On and between March 11 and May 15, 1996,  
17 respondent's employee, Wilson Pereira Da Silva, treated and  
18 prescribed medication for patients at respondent's clinic in the  
19 City of Los Angeles.

20 B. Da Silva was not licensed to practice medicine in  
21 California when he treated and prescribed medication for these  
22 patients.

23 C. The patient charts completed by Da Silva were taken  
24 to Dr. Javid Nehorai, a licensed physician and employee of  
25 respondent, for review.

26 D. Dr. Nehorai was not aware that Da Silva was  
27 unlicensed when he reviewed the patient charts provided by Da

1 Silva.

2 **SIXTEENTH CAUSE OF ACTION**

3 19. Respondent's license is subject to disciplinary  
4 action pursuant to sections 2234, subdivision (a) and 2264 of the  
5 Code, in connection with sections 2238, 2242, subdivision (a) and  
6 4211 of the Code, as well as section 11153, subdivision (a) of  
7 the Health & Safety Code, in that respondent aided and abetted  
8 the unlicensed practice of medicine. The circumstances are as  
9 follows:

10 A. On and between March 11 and May 15, 1996,  
11 respondent's employee, America Rocha, treated and prescribed  
12 medication for patient's at respondent's clinic in Whittier.

13 B. Rocha was not licensed to practice medicine in  
14 California when she treated and prescribed medication for these  
15 patients.

16 **SEVENTEENTH CAUSE OF ACTION**

17 20. Respondent's license is subject to disciplinary  
18 action pursuant to sections 2234, subdivision (a) and 2264 of the  
19 Code, in connection with sections 2238, 2242, subdivision (a) and  
20 4211 of the Code, as well as section 11153, subdivision (a) of  
21 the Health & Safety Code, in that respondent aided and abetted  
22 the unlicensed practice of medicine. The circumstances are as  
23 follows:

24 A. On and between March 11 and May 15, 1996,  
25 respondent's employee, Mario A. Ochoa, treated and prescribed  
26 medication for patients at respondent's clinic in Lynwood.

27 B. Ochoa was not licensed to practice medicine in

1 California when he treated and prescribed medication for these  
2 patients.

3 C. The patient charts completed by Ochoa were taken to  
4 Dr. Javid Nehorai, a licensed physician and employee of  
5 respondent, for review.

6 D. Dr. Nehorai was not aware that Ochoa was unlicensed  
7 when he reviewed the patient charts provided by Ochoa.

8  
9 **PRAYER**

10 WHEREFORE, the complainant requests that a hearing be  
11 held on the matters alleged herein, and that following said  
12 hearing, the Board issue a decision:

13 1. Revoking or suspending Physician's and Surgeon's  
14 Certificate Number A-040213 and Physician Assistant Supervisor  
15 License Number SA-16666, heretofore issued to respondent, VICTOR  
16 J. CORONADO, M.D.

17 2. Ordering respondent to pay the Division the  
18 reasonable costs of the investigation and enforcement of this  
19 case and, if placed on probation, the costs of probation  
20 monitoring.

21 3. Taking such other and further action as the  
22 Division or its designee deems proper.

23  
24 DATED: January 8, 1998

25  
26 Ron Joseph (by R.A.)  
27 RON JOSEPH, Executive Director  
MEDICAL BOARD OF CALIFORNIA

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO August 10 19 98  
BY Frederick C. Holman ANALYST

DANIEL E. LUNGREN, Attorney General  
of the State of California  
RICHARD AVILA,  
Deputy Attorney General  
State Bar No. 91214  
CALIFORNIA DEPARTMENT OF JUSTICE  
300 South Spring Street, 6th Fl.-South  
Los Angeles, California 90013  
Telephone: (213) 897-6804

Attorneys for Complainant

BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation )	No. 06-95-49216
Against: )	
VICTOR J. CORONADO, M.D. )	
8728 East 6th Street )	
Downey, CA 90241 )	SECOND SUPPLEMENT TO
Physician and Surgeon's )	ACCUSATION
License No. A-040213 )	
Physician Assistant )	
Supervisor License )	
No. SA-16666 )	
Respondent. )	

The complainant alleges:

1. Complainant, Ron Joseph, is the Executive Director of the Medical Board of California (hereinafter "Board") and in his official capacity as such offers the following supplementation of allegations to the Accusation filed in this case on or about January 31, 1997, as amended and supplemented on or about January 8, 1998:

2. Complainant is represented by Daniel E. Lungren,

1 Attorney General of the State of California, through Deputy  
2 Attorney General Richard Avila, who is authorized to make the  
3 following supplemental allegations:

4 **SECOND SUPPLEMENTAL ACCUSATION**

5 **EIGHTEENTH CAUSE OF ACTION**

6 (Conviction of Crime/Lewd Conduct With Minor)

7 21. Respondent's license is subject to disciplinary  
8 action pursuant to sections 2234, subdivisions (a) and (e), and  
9 2236, subdivisions (a) and (d) of the Code, in that respondent  
10 was convicted of violating two counts of Penal Code section 288,  
11 subdivision (c), a criminal offense. The relevant laws and  
12 circumstances are as follows:

13 A. Section 2236, subdivisions (a) and (d) of the  
14 Code provides, in pertinent part, as follows:

15 "(a) The conviction of any offense substantially  
16 related to the qualifications, functions, or duties of a  
17 physician and surgeon constitutes unprofessional conduct within  
18 the meaning of this chapter. The record of conviction shall be  
19 conclusive evidence only of the fact that the conviction  
20 occurred."

21 ". . . ."

22 "(d) A plea or verdict of guilty or a conviction  
23 after a plea of nolo contendere is deemed to be a conviction  
24 within the meaning of this section . . . . The record of  
25 conviction shall be conclusive evidence of the fact that the  
26 conviction occurred."

27 B. Section 288, subdivision (a) of the Penal Code

1 provides, in pertinent part, as follows:

2           "(a) Any person who willfully and lewdly commits  
3 any lewd or lascivious act . . . upon or with the body, or any  
4 part or member thereof . . . with the intent of arousing,  
5 appealing to, or gratifying the lust, passions, or sexual desires  
6 of that person or the child, is guilty of a felony . . . ."

7           C. Section 288, subdivision (c)(1) of the Penal  
8 Code provides, in pertinent part, as follows:

9           "(c)(1) Any person who commits an act described  
10 in subdivision (a) with the intent described in that subdivision,  
11 and the victim is a child of 14 or 15, and the defendant is at  
12 least 10 years older than the child, is guilty of a public  
13 offense and shall be punished by imprisonment in the state prison  
14 for one, two, or three years, or by imprisonment in a county jail  
15 for not more than one year."

16           D. On or about July 1994, respondent performed a  
17 physical examination of C.R., a 14 year old female, dined with  
18 her and then commenced a sexual relationship with her which  
19 continued until on or about July 31, 1997.

20           E. On or about July 31, 1997, C.R. filed a  
21 complaint with the South Gate Police Department, alleging that on  
22 that date she had been forcibly raped by respondent.

23           F. On or about February 24, 1998, in Case Number  
24 VA044450, before the Southeast Department of the Superior Court  
25 of Los Angeles County, respondent pled nolo contendere to two  
26 charges of engaging in lewd and lascivious conduct with C.R., a  
27 child of 14 or 15 years, at a time when respondent was ten years

1 older than C.R., as defined in subdivision (c)(1) of section 288  
2 of the Penal Code. Respondent was found guilty of the two  
3 charges and was convicted of same.

4 G. On or about April 29, 1998, in Case Number  
5 VA044450, before the Southeast Department of the Superior Court  
6 of Los Angeles County, respondent was sentenced concurrently on  
7 both convictions as follows:

8 1. Imposition of sentence suspended, formal  
9 probation for five (5) years on the following terms and  
10 conditions:

11 a. Make restitution in such amounts and  
12 manner as the probation officer shall prescribe.

13 b. Pay a restitution fine pursuant to  
14 Penal Code section 1202.4 (B) in the amount of \$200.00.

15 c. Stay away from C.R.

16 d. Pay a fine of \$10,000.00.

17 e. Perform 300 hours of community  
18 service.

19 f. Register as a sex offender pursuant  
20 to section 298 (A) of the Penal Code.

21 g. Submit to H.I.V. testing pursuant to  
22 section 1202.1 of the Penal Code.

23 h. Obey all laws and orders of the  
24 court.

25 i. Obey all rules and regulations of  
26 the probation department.

27 j. Pay the costs of probation services

1 pursuant to section 1203.1 B of the Penal Code in the amount the  
2 probation officer shall prescribe.

3 **NINETEENTH CAUSE OF ACTION**

4 (Sexual Relations With Patient)

5 22. Respondent's license is subject to disciplinary  
6 action pursuant to sections 726 and 2234, subdivision (e) of the  
7 Code, in that respondent engaged in sexual relations with a  
8 patient, as described in above numbered paragraph 21, which is  
9 incorporated by reference herein as if fully set forth. Section  
10 726 of the Code provides, in pertinent part, as follows:

11 "The commission of any act of sexual abuse,  
12 misconduct, or relations with a patient . . . constitutes  
13 unprofessional conduct and grounds for disciplinary action for  
14 any person licensed under this division, under any initiative act  
15 referred to in this division and under Chapter 17 (commencing  
16 with Section 9000) of Division 3. . . ."

17 **TWENTIETH CAUSE OF ACTION**

18 (Conviction of Crime/Medi-Cal Fraud)

19 23. Respondent's license is subject to disciplinary  
20 action pursuant to sections 2234, subdivisions (a) and (e), and  
21 2236, subdivisions (a) and (d) of the Code, in that respondent  
22 was convicted of violating section 14107 of the Welfare and  
23 Institutions Code, a criminal offense. The relevant law and  
24 circumstances are as follows:

25 A. Section 14107 of the Welfare and Institutions  
26 Code provides, in pertinent part, as follows:

27 "Any person who, with intent to defraud, presents

1 for . . . payment any false or fraudulent claim for furnishing of  
2 services . . . , knowingly submits false information for the  
3 purpose of obtaining greater compensation than that to which he  
4 is legally entitled for furnishing services . . . , or knowingly  
5 submits false information for the purpose of obtaining  
6 authorization for furnishing services . . . under this chapter or  
7 Chapter 8 (commencing with Section 14200) is punishable in the  
8 county jail not longer than one year or in the state prison, or  
9 by fine not exceeding five thousand dollars (\$5,000), or by both  
10 such fine and imprisonment."

11 "The enforcement remedies provided under this  
12 section are not exclusive and shall not preclude the use of any  
13 other criminal or civil remedy."

14 B. On or about July 24, 1998, in Case Number  
15 BA109570, before the Superior Court of Los Angeles County,  
16 respondent pled nolo contendere to the charge of making a  
17 fraudulent claim for the purpose of obtaining compensation from  
18 the Medi-Cal program for services, as defined in section 14107 of  
19 the Welfare and Institutions Code. Respondent was found guilty  
20 of the charge and was convicted of same.

21 C. On or about July 24, 1998, in Case Number  
22 BA109570, before the Superior Court of Los Angeles County,  
23 respondent was sentenced as follows:

24 1. Imposition of sentence suspended, formal  
25 probation for five (5) years on the following terms and  
26 conditions:

27 a. Pay restitution of \$15,000.00 to

1 Medi-Cal program.

2 b. Pay \$400.00 under Penal Code section  
3 1203.04.

4 c. Pay costs of probation services  
5 pursuant to Penal Code section 1203.1 B.

6 d. Submit person and property to search  
7 and seizure at any time by any law enforcement officer or by  
8 probation officer with or without a warrant.

9 e. Maintain residence as approved by  
10 probation officer.

11 f. Obey all laws and orders of court.

12 g. Obey all rules and regulations of  
13 probation department.

14 **TWENTY-FIRST CAUSE OF ACTION**

15 (Making False Statements)

16 24. Respondent's license is subject to disciplinary  
17 action pursuant to section 2261 of the Code, in that respondent  
18 made false statements to obtain compensation from the Medi-Cal  
19 program, as described in above numbered paragraph 23, which is  
20 incorporated by reference herein as if fully set forth. Section  
21 2261 of the Code provides, in pertinent part, as follows:

22 "Knowingly making or signing any . . . document  
23 directly or indirectly related to the practice of medicine . . .  
24 which falsely represents the existence or nonexistence of a state  
25 of facts, constitutes unprofessional conduct."

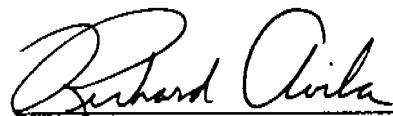
26 **REDRAFTED ACCUSATION**

27 A signed copy of the Second Supplemental

1 Accusation, reflecting the changes noted at above numbered  
2 paragraphs 21 through 24, is attached hereto for the convenience  
3 of the parties. This redrafted accusation represents all of the  
4 factual and legal allegations against respondent presently before  
5 the Board for formal consideration and decision. [See  
6 Attachment]

7  
8 DATED: August 10, 1998

DANIEL E. LUNGREN,  
Attorney General  
State of California

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11 

RICHARD AVILA  
Deputy Attorney General

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14 Counsel for Complainant  
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ATTACHMENT

1 DANIEL E. LUNGREN, Attorney General  
of the State of California  
2 RICHARD AVILA,  
Deputy Attorney General  
3 State Bar No. 91214  
CALIFORNIA DEPARTMENT OF JUSTICE  
4 300 South Spring Street, 6th Fl.-South  
Los Angeles, California 90013  
5 Telephone: (213) 897-6804

6 Attorneys for Complainant

7  
8 **BEFORE THE**  
9 **MEDICAL BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation ) No. 06-95-49216  
12 Against: )  
13 VICTOR J. CORONADO, M.D. )  
8728 East 6th Street )  
14 Downey, CA 90241 ) SECOND  
SUPPLEMENTAL ACCUSATION  
15 Physician and Surgeon's )  
License No. A-040213 )  
16 Physician Assistant )  
17 Supervisor License )  
No. SA-16666 )  
18 Respondent. )  
19

20 The complainant alleges:

21 1. Complainant, Ron Joseph, is the Executive Director  
22 of the Medical Board of California (hereinafter "Board") and  
23 brings this accusation in his official capacity.

24 2. On or about July 25, 1983, Physician and Surgeon  
25 Certificate No. A-040213 was issued by the Board to Victor J.  
26 Coronado, M.D. (hereinafter "respondent"), and at all times  
27 relevant to the charges brought herein, said license has been in

1 full force and effect. Respondent also holds Physician Assistant  
2 Supervisor License Number SA-16666, which is valid through  
3 December 1, 1998.

#### 4 JURISDICTION

5 3. This petition is brought under the authority of the  
6 following sections of the Business and Professions Code  
7 (hereinafter "Code") and related statutes:

8 A. Sections 2004, 2220, and 2227 of the Code  
9 authorize the Board to initiate disciplinary actions which may  
10 result in the revocation, suspension and restriction through  
11 probation of a physician and surgeon's license.

12 B. Section 2234 provides, in pertinent part, as  
13 follows: "The Division of Medical Quality shall take action  
14 against any licensee who is charged with unprofessional conduct.  
15 In addition to other provisions of this article, unprofessional  
16 conduct includes, but is not limited to, the following:

17 "(a) Violating or attempting to violate, directly  
18 or indirectly, or assisting in or abetting the violation of, or  
19 conspiring to violate, any provision of this chapter.

20 "(b) Gross negligence. . .

21 "(d) Incompetence.

22 "(e) The commission of any act involving  
23 dishonesty or corruption which is substantially related to the  
24 qualifications, functions, or duties of a physician and surgeon.

25 "(f) Any action or conduct which would have  
26 warranted the denial of a certificate."

27 C. Section 2238 of the Code provides as follows:

1           "A violation of any federal statute or federal  
2 regulation or any of the statutes or regulations of this state  
3 regulating dangerous drugs or controlled substances constitutes  
4 unprofessional conduct."

5           D. Section 2242 of the Code provides, in  
6 pertinent part, as follows:

7           "(a) Prescribing, dispensing, or furnishing  
8 dangerous drugs as defined in Section 4211, without a good faith  
9 prior examination and medical indication therefor, constitutes  
10 unprofessional conduct."

11           E. Section 4211 of the Code provides, in  
12 pertinent part, as follows:

13           "'Dangerous drug' means any drug unsafe for self-  
14 medication . . . and includes the following:

15           "(a) Any drug that bears the legend: 'Caution:  
16 federal law prohibits dispensing without prescription' or words  
17 of similar import. . .

18           "(c) Any other drug . . . that by federal or state  
19 law can be lawfully dispensed only on prescription or furnished  
20 pursuant to Section 4240. . . ."

21           F. Section 11153, subdivision (a) of the Health &  
22 Safety Code provides, in pertinent part, as follows:

23           "A prescription for a controlled substance shall  
24 only be issued for a legitimate medical purpose by an individual  
25 practitioner acting in the usual course of his or her  
26 professional practice. The responsibility for the proper  
27 prescribing and dispensing of controlled substances is upon the

1 prescribing physician, but a corresponding responsibility rests  
2 with the pharmacist who fills the prescription. Except as  
3 authorized by this division, the following are not legal  
4 prescriptions: (1) an order purporting to be a prescription  
5 which is issued not in the usual course of professional treatment  
6 or in legitimate and authorized research . . . ."

7 G. Section 2266 of the Code provides as follows:

8 "The failure of a physician and surgeon to  
9 maintain adequate and accurate records relating to the provision  
10 of services to their patients constitutes unprofessional  
11 conduct."

12 H. Section 2264 of the Code provides as follows:

13 "The employing, directly or indirectly, the  
14 aiding, or the abetting of any unlicensed person or any  
15 suspended, revoked, or unlicensed practitioner to engage in the  
16 practice of medicine or any other mode of treating the sick or  
17 afflicted which requires a license to practice constitutes  
18 unprofessional conduct."

19 I. Section 16.01 of the 1997/1998 Budget Act of  
20 the State of California provides, in pertinent part, that: (a)  
21 no funds appropriated by this act may be expended to pay any  
22 Medi-Cal claim for any service performed by a physician while  
23 that physician's license is under suspension or revocation due to  
24 a disciplinary action of the Medical Board of California; and,  
25 (b) no funds appropriated by this act may be expended to pay any  
26 Medi-Cal claim for any surgical service or other invasive  
27 procedure performed on any Medi-Cal beneficiary by a physician if

1 that physician has been placed on probation due to a disciplinary  
2 action of the Medical Board of California related to the  
3 performance of that specific service or procedure on any patient,  
4 except in any case where the board makes a determination during  
5 its disciplinary process that there exist compelling  
6 circumstances that warrant continued Medi-Cal reimbursement  
7 during the probationary period.

8 J. Section 125.3 of the Code authorizes the Board  
9 to collect from respondent the reasonable costs of investigation  
10 and enforcement connected with the prosecution of the instant  
11 disciplinary action up to the date of hearing, including, but not  
12 limited to, charges imposed by the Attorney General.

13 **FIRST CAUSE OF ACTION**

14 (Gross Negligence)

15 4. Respondent's license is subject to disciplinary  
16 action under section 2234, subdivision (b) of the Code [Gross  
17 Negligence], in connection with sections 2238, 2242, subdivision  
18 (a), 4211 and 2266 of the Code, in that he caused to be  
19 administered to M.V. a dangerous drug without a good faith prior  
20 examination and medical indication therefor. The circumstances  
21 are as follows:

22 A. On or about May 31, 1994, M.V. visited respondent's  
23 medical clinic where she was attended by respondent's medical  
24 assistant, Gloria G. Giron.

25 B. Giron took M.V.'s medical history and vital signs.

26 C. M.V. told Giron that the thumb, index and middle  
27 fingers of her right hand felt numb.

1           D. Respondent did not conduct a physical examination  
2 of M.V.'s right hand.

3           E. Respondent ordered that M.V. be given an injection  
4 of Calcium Chloride, a dangerous drug, to address M.V.'s  
5 complaint of numbness in her right hand.

6           F. Giron attempted to administer the Calcium Chloride  
7 intravenously and punctured M.V.'s right arm with a hypodermic  
8 needle, injecting Calcium Chloride into M.V.'s subcutaneous  
9 tissue, but was unable to achieve intravenous transmission  
10 thereof.

11           G. Immediately following the injection, M.V.  
12 complained to Giron about a painful burning sensation on the skin  
13 at the site of the injection.

14           H. The injection of Calcium Chloride into a human  
15 being's subcutaneous tissue, without first assuring venous  
16 access, is not within the standard of practice.

17           I. The use of Calcium Chloride to treat numbness or  
18 cramps in the hands is not within the standard of practice.

19           J. As a result of the Calcium Chloride injection, a  
20 painful ulcer formed around the injection site at M.V.'s right  
21 forearm, requiring additional medical treatment.

22           K. The ulcer on M.V.'s right forearm caused by the  
23 injection eventually became a 4 x 4 cm. scar.

24           L. Respondent's medical records for M.V. fail to  
25 document the administration of tests to identify the cause(s) for  
26 her right hand numbness, the making of a provisional diagnosis,  
27 the selection of a plan of treatment involving Calcium Chloride,

1 or the transmission of a patient specific order from respondent  
2 to Giron for the purpose of having M.V. injected with Calcium  
3 Chloride.

#### 4 SECOND CAUSE OF ACTION

5 (Incompetence)

6 5. Respondent's license is subject to disciplinary  
7 action pursuant to section 2234, subdivision (d) of the Code  
8 [Incompetence], in connection with sections 2238, 2242, 4211 and  
9 2266 of the Code, for the reasons stated at above numbered  
10 paragraph 4, which is incorporated by reference herein as if  
11 fully set forth.

#### 12 THIRD CAUSE OF ACTION

13 (Prescribing Without Indication)

14 6. Respondent's license is subject to disciplinary  
15 action pursuant to section 2242 of the Code [dispensing dangerous  
16 drugs without a medical indication therefor], in connection with  
17 sections 2238 and 2266 of the Code, for the reasons stated at  
18 above numbered paragraph 4, which is incorporated by reference  
19 herein as if fully set forth.

#### 20 FOURTH CAUSE OF ACTION

21 (Inaccurate/Inadequate Records)

22 7. Respondent's license is subject to disciplinary  
23 action pursuant to section 2266 of the Code [failure to maintain  
24 adequate and accurate records], in connection with sections 2238,  
25 2242, subdivision (a) and 4211 of the Code, for the reasons  
26 stated at above numbered paragraph 4, which is incorporated by  
27 reference herein as if fully set forth.

1 **FIFTH CAUSE OF ACTION**

2 (Aiding & Abetting Unlicensed Practice)

3 8. Respondent's license is subject to disciplinary  
4 action pursuant to sections 2234, subdivision (a), and 2264 of  
5 the Code [aiding and abetting the unlicensed practice of  
6 medicine], in connection with sections 2238, 2242, subdivision  
7 (a), 2266 and 4211 of the Code, for the reasons stated at above  
8 numbered paragraph 4, which is incorporated by reference herein  
9 as if fully set forth, as well as for the following reasons:

10 A. M.V. was not seen or examined by respondent on the  
11 day she was injected with Calcium Chloride by Giron, which was on  
12 or about May 31, 1994.

13 B. On or about May 31, 1994, at respondent's clinic,  
14 Giron examined M.V., determined that the cause of her right hand  
15 numbness was poor circulation, selected an injection of Calcium  
16 Chloride as the mode of treating M.V.'s right hand numbness, and  
17 injected Calcium Chloride into the subcutaneous tissue of M.V.'s  
18 right forearm.

19 **SIXTH CAUSE OF ACTION**

20 (Aiding & Abetting Unlicensed Practice)

21 9. Respondent's license is subject to disciplinary  
22 action pursuant to sections 2234, subdivision (a) and 2264 of the  
23 Code, in connection with sections 2238, 2242, subdivision (a) and  
24 4211 of the Code, as well as section 11153, subdivision (a) of  
25 the Health & Safety Code, in that respondent aided and abetted  
26 the unlicensed practice of medicine. The circumstances are as  
27 follows:

1           A. On or about July 12, 1995, patient P.L. (aka  
2 Attorney General Medi-Cal Fraud Investigator M. Teresa Franco)  
3 went to respondent's clinic in Lynwood.

4           B. While there, P.L. complained of pain above and  
5 below her eyes.

6           C. Respondent's employee, Martin Gaxiola, attended  
7 P.L. in one of the clinic's examination rooms.

8           D. P.L. addressed Gaxiola as "doctor" and the latter  
9 did not correct her.

10          E. Gaxiola took P.L.'s medical history and then  
11 performed a physical examination of P.L.'s eyes, ears, throat,  
12 chest and back.

13          F. Gaxiola noted the results of the physical  
14 examination of P.L. on a chart with P.L.'s name written on it.

15          G. Gaxiola informed P.L. that she had an allergy or  
16 sinus problem.

17          H. Gaxiola gave P.L. a container filled with twenty  
18 (20) pills of Fiorinal.

19          I. Gaxiola was not licensed to practice medicine in  
20 California at the time that he examined, diagnosed and prescribed  
21 medication for P.L. at respondent's clinic in Lynwood.

22                   **SEVENTH CAUSE OF ACTION**

23                   (Aiding & Abetting Unlicensed Practice)

24           10. Respondent's license is subject to disciplinary  
25 action pursuant to sections 2238, subdivision (a) and 2264 of the  
26 Code, in connection with sections 2238, 2242, subdivision (a),  
27 2266 and 4211 of the Code, as well as section 11153, subdivision

1 (a) of the Health & Safety Code, in that respondent aided and  
2 abetted the unlicensed practice of medicine. The circumstances  
3 are as follows:

4 A. On and between March 11 and May 15, 1996, R.Y.O.  
5 [initials used to protect patient's right to privacy], an  
6 employee of respondent, brought her minor child into respondent's  
7 clinic in Huntington Park with a complaint of ear pain.

8 B. R.Y.O.'s minor child was attended by respondent's  
9 employee, Jose Blanco.

10 C. Blanco examined R.Y.O.'s minor child and prescribed  
11 Ceclor, an antibiotic, for the child's use.

12 D. R.Y.O. telephoned a local pharmacy from  
13 respondent's clinic for the Ceclor prescription authorized by  
14 Blanco.

15 E. Blanco did not create a patient chart for R.Y.O.'s  
16 minor child, and no charge was made for the service.

17 F. Blanco was not licensed to practice medicine in  
18 California at the time that he examined and prescribed medication  
19 for R.Y.O.'s minor child.

#### 20 EIGHTH CAUSE OF ACTION

21 (Aiding & Abetting Unlicensed Practice)

22 11. Respondent's license is subject to disciplinary  
23 action pursuant to sections 2234, subdivision (a) and 2264 of the  
24 Code, in connection with sections 2238, 2242, subdivision (a) and  
25 4211 of the Code, as well as section 11153, subdivision (a) of  
26 the Health & Safety Code, in that respondent aided and abetted  
27 the unlicensed practice of medicine. The circumstances are as

1 follows:

2           A. On and between January 6, 1994 and November 20,  
3 1995, respondent's employee, Mario A. Ochoa, treated and  
4 prescribed medication for patient G.A. [initials used to protect  
5 patient's right to privacy] at respondent's clinic in Lynwood.

6           B. Ochoa was not licensed to practice medicine in  
7 California when he treated and prescribed medication for patient  
8 G.A.

9                           **NINTH CAUSE OF ACTION**

10                   (Aiding & Abetting Unlicensed Practice)

11           12. Respondent's license is subject to disciplinary  
12 action pursuant to sections 2234, subdivision (a) and 2264 of the  
13 Code, in connection with sections 2238, 2242, subdivision (a) and  
14 4211 of the Code, as well as section 11153, subdivision (a) of  
15 the Health & Safety Code, in that respondent aided and abetted  
16 the unlicensed practice of medicine. The circumstances are as  
17 follows:

18           A. On and between January 1 and June 30, 1996,  
19 respondent's employee, Mario A. Ochoa, treated and prescribed  
20 medication for patient R.M. [initials used to protect patient's  
21 right to privacy] at respondent's clinic in Lynwood.

22           B. Ochoa was not licensed to practice medicine in  
23 California when he treated and prescribed medication for patient  
24 R.M.

25                           **TENTH CAUSE OF ACTION**

26                   (Aiding & Abetting Unlicensed Practice)

27           13. Respondent's license is subject to disciplinary

1 action pursuant to sections 2234, subdivision (a) and 2264 of the  
2 Code, in that respondent aided and abetted the unlicensed  
3 practice of medicine. The circumstances are as follows:

4           A. On or about February 12, 1996, respondent's  
5 employee, Mario A. Ochoa, treated patient M.M., as well her three  
6 children, C.M., S.M. and C.M. [initials used to protect patients'  
7 right to privacy], at respondent's clinic in Lynwood.

8           B. Ochoa was not licensed to practice medicine in  
9 California when he treated M.M. and her three children.

#### 10                           ELEVENTH CAUSE OF ACTION

11                           (Aiding & Abetting Unlicensed Practice)

12           14. Respondent's license is subject to disciplinary  
13 action pursuant to sections 2234, subdivision (a) and 2264 of the  
14 Code, in connection with sections 2238, 2242, subdivision (a) and  
15 4211 of the Code, as well as section 11153, subdivision (a) of  
16 the Health & Safety Code, in that respondent aided and abetted  
17 the unlicensed practice of medicine. The circumstances are as  
18 follows:

19           A. On or about May 28 and 29, 1996, respondent's  
20 employee, Humberto Equihua, treated and prescribed medication for  
21 patient E.M. [initials used to protect patient's right to  
22 privacy], the minor child of M.M., at respondent's clinic in  
23 Lynwood.

24           B. Equihua was not licensed to practice medicine in  
25 California when he treated and prescribed medication for E.M.

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1 **TWELFTH CAUSE OF ACTION**

2 (Aiding & Abetting Unlicensed Practice)

3 15. Respondent's license is subject to disciplinary  
4 action pursuant to sections 2234, subdivision (a) and 2264 of the  
5 Code, in connection with sections 2238, 2242, subdivision (a) and  
6 4211 of the Code, as well as section 11153, subdivision (a) of  
7 the Health & Safety Code, in that respondent aided and abetted  
8 the unlicensed practice of medicine. The circumstances are as  
9 follows:

10 A. On and between May 14 and June 6, 1996,  
11 respondent's employee, America Rocha, treated and prescribed  
12 medication for patient V.D. [initials used to protect patient's  
13 right to privacy], the minor child of R.H., at respondent's  
14 clinic in Whittier.

15 B. Rocha was not licensed to practice medicine in  
16 California when she treated and prescribed medication for V.D.

17 **THIRTEENTH CAUSE OF ACTION**

18 (Aiding & Abetting Unlicensed Practice)

19 16. Respondent's license is subject to disciplinary  
20 action pursuant to sections 2234, subdivision (a) and 2264 of the  
21 Code, in connection with sections 2238, 2242, subdivision (a) and  
22 4211 of the Code, as well as section 11153, subdivision (a) of  
23 the Health & Safety Code, in that respondent aided and abetted  
24 the unlicensed practice of medicine. The circumstances are as  
25 follows:

26 A. On or about June 11, 1996, respondent's employee,  
27 America Rocha, treated and prescribed medication for patient J.Z.

1 [initials used to protect patient's right to privacy], the minor  
2 child of H.M., at respondent's clinic in Whittier.

3 B. Rocha was not licensed to practice medicine in  
4 California when she treated and prescribed medication for J.Z.

5 **FOURTEENTH CAUSE OF ACTION**

6 (Aiding & Abetting Unlicensed Practice)

7 17. Respondent's license is subject to disciplinary  
8 action pursuant to sections 2234, subdivision (a) and 2264 of the  
9 Code, in connection with sections 2238, 2242, subdivision (a) and  
10 4211 of the Code, as well as section 11153, subdivision (a) of  
11 the Health & Safety Code, in that respondent aided and abetted  
12 the unlicensed practice of medicine. The circumstances are as  
13 follows:

14 A. On and between March 11 and May 15, 1996,  
15 respondent's employee, Silvano Bracamontes, performed  
16 Electroencephalograms or EEG's on patients at respondent's clinic  
17 in Huntington Park, and gave these patients Chloral Hydrate to  
18 prepare them for the EEG, without the assistance of a licensed  
19 physician or anesthesiologist.

20 B. Bracamontes was not licensed to practice medicine  
21 in California when he performed the EEG's and administered  
22 Chloral Hydrate to these patients.

23 **FIFTEENTH CAUSE OF ACTION**

24 (Aiding & Abetting Unlicensed Practice)

25 18. Respondent's license is subject to disciplinary  
26 action pursuant to sections 2234, subdivision (a) and 2264 of the  
27 Code, in connection with sections 2238, 2242, subdivision (a) and

1 4211 of the Code, as well as section 11153, subdivision (a) of  
2 the Health & Safety Code, in that respondent aided and abetted  
3 the unlicensed practice of medicine. The circumstances are as  
4 follows:

5 A. On and between March 11 and May 15, 1996,  
6 respondent's employee, Wilson Pereira Da Silva, treated and  
7 prescribed medication for patients at respondent's clinic in the  
8 City of Los Angeles.

9 B. Da Silva was not licensed to practice medicine in  
10 California when he treated and prescribed medication for these  
11 patients.

12 C. The patient charts completed by Da Silva were taken  
13 to Dr. Javid Nehorai, a licensed physician and employee of  
14 respondent, for review.

15 D. Dr. Nehorai was not aware that Da Silva was  
16 unlicensed when he reviewed the patient charts provided by Da  
17 Silva.

#### 18 SIXTEENTH CAUSE OF ACTION

19 (Aiding & Abetting Unlicensed Practice)

20 19. Respondent's license is subject to disciplinary  
21 action pursuant to sections 2234, subdivision (a) and 2264 of the  
22 Code, in connection with sections 2238, 2242, subdivision (a) and  
23 4211 of the Code, as well as section 11153, subdivision (a) of  
24 the Health & Safety Code, in that respondent aided and abetted  
25 the unlicensed practice of medicine. The circumstances are as  
26 follows:

27 A. On and between March 11 and May 15, 1996,

1 respondent's employee, America Rocha, treated and prescribed  
2 medication for patient's at respondent's clinic in Whittier.

3 B. Rocha was not licensed to practice medicine in  
4 California when she treated and prescribed medication for these  
5 patients.

#### 6 SEVENTEENTH CAUSE OF ACTION

7 (Aiding & Abetting Unlicensed Practice)

8 20. Respondent's license is subject to disciplinary  
9 action pursuant to sections 2234, subdivision (a) and 2264 of the  
10 Code, in connection with sections 2238, 2242, subdivision (a) and  
11 4211 of the Code, as well as section 11153, subdivision (a) of  
12 the Health & Safety Code, in that respondent aided and abetted  
13 the unlicensed practice of medicine. The circumstances are as  
14 follows:

15 A. On and between March 11 and May 15, 1996,  
16 respondent's employee, Mario A. Ochoa, treated and prescribed  
17 medication for patients at respondent's clinic in Lynwood.

18 B. Ochoa was not licensed to practice medicine in  
19 California when he treated and prescribed medication for these  
20 patients.

21 C. The patient charts completed by Ochoa were taken to  
22 Dr. Javid Nehorai, a licensed physician and employee of  
23 respondent, for review.

24 D. Dr. Nehorai was not aware that Ochoa was unlicensed  
25 when he reviewed the patient charts provided by Ochoa.

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1 appealing to, or gratifying the lust, passions, or sexual desires  
2 of that person or the child, is guilty of a felony . . . ."

3 C. Section 288, subdivision (c)(1) of the Penal  
4 Code provides, in pertinent part, as follows:

5 "(c)(1) Any person who commits an act described  
6 in subdivision (a) with the intent described in that subdivision,  
7 and the victim is a child of 14 or 15, and the defendant is at  
8 least 10 years older than the child, is guilty of a public  
9 offense and shall be punished by imprisonment in the state prison  
10 for one, two, or three years, or by imprisonment in a county jail  
11 for not more than one year."

12 D. On or about July 1994, respondent performed a  
13 physical examination of C.R., a 14 year old female, dined with  
14 her and then commenced a sexual relationship with her which  
15 continued until on or about July 31, 1997.

16 E. On or about July 31, 1997, C.R. filed a  
17 complaint with the South Gate Police Department, alleging that on  
18 that date she had been forcibly raped by respondent.

19 F. On or about February 24, 1998, in Case Number  
20 VA044450, before the Southeast Department of the Superior Court  
21 of Los Angeles County, respondent pled nolo contendere to two  
22 charges of engaging in lewd and lascivious conduct with C.R., a  
23 child of 14 or 15 years, at a time when respondent was ten years  
24 older than C.R., as defined in subdivision (c)(1) of section 288  
25 of the Penal Code. Respondent was found guilty of the two  
26 charges and was convicted of same.

27 G. On or about April 29, 1998, in Case Number

1 VA044450, before the Southeast Department of the Superior Court  
2 of Los Angeles County, respondent was sentenced concurrently on  
3 both convictions as follows:

4 1. Imposition of sentence suspended, formal  
5 probation for five (5) years on the following terms and  
6 conditions:

7 a. Make restitution in such amounts and  
8 manner as the probation officer shall prescribe.

9 b. Pay a restitution fine pursuant to  
10 Penal Code section 1202.4 B in the amount of \$200.00.

11 c. Stay away from C.R.

12 d. Pay a fine of \$10,000.00.

13 e. Perform 300 hours of community  
14 service.

15 f. Register as a sex offender pursuant  
16 to section 298 (A) of the Penal Code.

17 g. Submit to H.I.V. testing pursuant to  
18 section 1202.1 of the Penal Code.

19 h. Obey all laws and orders of the  
20 court.

21 i. Obey all rules and regulations of  
22 the probation department.

23 j. Pay the costs of probation services  
24 pursuant to section 1203.1 B of the Penal Code in the amount the  
25 probation officer shall prescribe.

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1 **NINETEENTH CAUSE OF ACTION**

2 (Sexual Relations With Patient)

3 22. Respondent's license is subject to disciplinary  
4 action pursuant to sections 726 and 2234, subdivision (e) of the  
5 Code, in that respondent engaged in sexual relations with a  
6 patient, as described in above numbered paragraph 21, which is  
7 incorporated by reference herein as if fully set forth. Section  
8 726 of the Code provides, in pertinent part, as follows:

9 "The commission of any act of sexual abuse,  
10 misconduct, or relations with a patient . . . constitutes  
11 unprofessional conduct and grounds for disciplinary action for  
12 any person licensed under this division, under any initiative act  
13 referred to in this division and under Chapter 17 (commencing  
14 with Section 9000) of Division 3 . . . ."

15 **TWENTIETH CAUSE OF ACTION**

16 (Conviction of Crime/Medi-Cal Fraud)

17 23. Respondent's license is subject to disciplinary  
18 action pursuant to sections 2234, subdivisions (a) and (e), and  
19 2236, subdivisions (a) and (d) of the Code, in that respondent  
20 was convicted of violating section 14107 of the Welfare and  
21 Institutions Code, a criminal offense. The relevant law and  
22 circumstances are as follows:

23 A. Section 14107 of the Welfare and Institutions  
24 Code provides, in pertinent part, as follows:

25 "Any person who, with intent to defraud, presents  
26 for . . . payment any false or fraudulent claim for furnishing of  
27 services . . . , knowingly submits false information for the

1 purpose of obtaining greater compensation than that to which he  
2 is legally entitled for furnishing services . . . , or knowingly  
3 submits false information for the purpose of obtaining  
4 authorization for furnishing services . . . under this chapter or  
5 Chapter 8 (commencing with Section 14200) is punishable in the  
6 county jail not longer than one year or in the state prison, or  
7 by fine not exceeding five thousand dollars (\$5,000), or by both  
8 such fine and imprisonment."

9 "The enforcement remedies provided under this  
10 section are not exclusive and shall not preclude the use of any  
11 other criminal or civil remedy."

12 B. On or about July 24, 1998, in Case Number  
13 BA109570, before the Superior Court of Los Angeles County,  
14 respondent pled nolo contendere to the charge of making a  
15 fraudulent claim for the purpose of obtaining compensation from  
16 the Medi-Cal program for services, as defined in section 14107 of  
17 the Welfare and Institutions Code. Respondent was found guilty  
18 of the charge and was convicted of same.

19 C. On or about July 24, 1998, in Case Number  
20 BA109570, before the Superior Court of Los Angeles County,  
21 respondent was sentenced as follows:

22 1. Imposition of sentence suspended, formal  
23 probation of five (5) years on the following terms and  
24 conditions:

25 a. Pay restitution of \$15,000.00 to  
26 Medi-Cal program.

27 b. Pay \$400.00 under Penal Code section

1 1203.04.

2 c. Pay costs of probation services  
3 pursuant to Penal Code section 1203.1 B.

4 d. Submit person and property to search  
5 and seizure at any time by any law enforcement officer or by  
6 probation officer with or without a warrant.

7 e. Maintain residence as approved by  
8 probation officer.

9 f. Obey all laws and orders of court.

10 g. Obey all rules and regulations of  
11 probation department.

12 **TWENTY-FIRST CAUSE OF ACTION**

13 (Making False Statements)

14 24. Respondent's license is subject to disciplinary  
15 action pursuant to section 2261 of the Code, in that respondent  
16 made false statements to obtain compensation from the Medi-Cal  
17 program, as described in above numbered paragraph 23, which is  
18 incorporated by reference herein as if fully set forth. Section  
19 2261 of the Code provides, in pertinent part, as follows:

20 "Knowingly making or signing any . . . document  
21 directly or indirectly related to the practice of medicine . . .  
22 which falsely represents the existence or nonexistence of a state  
23 of facts, constitutes unprofessional conduct."

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PRAYER

WHEREFORE, the complainant requests that a hearing be held on the matters alleged herein, and that following said hearing, the Board issue a decision:

1. Revoking or suspending Physician's and Surgeon's Certificate Number A-040213 and Physician Assistant Supervisor License Number SA-16666, heretofore issued to respondent, VICTOR J. CORONADO, M.D.

2. Ordering respondent to pay the Division the reasonable costs of the investigation and enforcement of this case and, if placed on probation, the costs of probation monitoring.

3. Taking such other and further action as the Division or its designee deems proper.

DATED: August 10, 1998

Ron Joseph (by R.A.)  
RON JOSEPH, Executive Director  
MEDICAL BOARD OF CALIFORNIA